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Lawyers block MPs' questioning on missing Mirror Group pension money

The Maxwell brothers stay silent

QC fears 'trial by television'

BY JILL SHERMAN, POLITICAL CORRESPONDENT

IAN and Kevin Maxwell stonewalled MPs for two hours yesterday, bluntly refusing to answer questions about millions of pounds missing from the Mirror group pension fund.

Robert Maxwell's sons had been ordered to appear before the Commons select committee after failing to turn up last month. But while they answered the summons, they uttered hardly a word as their lawyers insisted on their right of silence. MPs are now seeking advice on whether the brothers are in contempt of Parliament.

George Carman, QC, told the MPs that he expected Kevin Maxwell to face criminal charges soon, and it was a basic principle of English law that a person did not have to testify against himself. Pointing to the television cameras broadcasting live, he added that Mr Maxwell might be denied a fair trial if prospective jurors were watching.

John Jarvis, QC, for Ian Maxwell, also expressed fears of "trial by television" and said that should not be tolerated in a civilised society.

Both he and Mr Carman offered written answers to some questions if the responses were not made public or passed to the Serious Fraud Office, but Frank Field, the committee chairman, would not guarantee such secrecy.

He said later that the brothers' attitude was unprecedented and raised "very grave" constitutional issues. "We regard it as immensely serious that our requests for documents or copies of documents have not been produced, and we regard it as equally serious that the questions which we put were not answered," Mr Field told reporters after the hearing. A report is likely to go before the Commons later this week and MPs will then decide whether to refer the matter to the privileges committee, which can order the Maxwell brothers to explain their actions to the House.

Mr Field had opened yesterday's hearing — part of a general enquiry into pension funds — by assuring the Maxwells: "This is not a trial." The brothers were not on oath, but parliament took a dim view if witnesses refused to answer questions.

But Mr Carman immediately argued: "The right to silence is constitutionally paramount." To question Kevin Maxwell "on matters that might be the subject of criminal proceedings" would be to deny him that right.

David Harris, Conservative MP for St Ives, demanded: "What about the rights of pensioners? How can we go about our enquiry to protect the interests of so many people if we go along with your suggestion that they should have the right of silence?" Mr Carman countered: "It may or may not be that Mr Kevin Maxwell could actively contribute to the deliberations and recommendations of the committee, but all that is subordinate to the inalienable right to silence." Asked if charges were imminent, he replied: "I say two things on criminal charges: one, that they are likely and, two, they are likely soon."

The Serious Fraud Office is engaged in a five-part investigation into Robert Maxwell's business empire, including the pension fund money. The office said last night that both brothers would be interviewed "as appropriate", but described as "pure speculation" Mr Carman's claim that Kevin Maxwell faced imminent charges. Yesterday's hearing was monitored by the investigating team, although there was no precedent for using select committee evidence to advance a case.

Mr Jarvis told the committee that Ian Maxwell was willing to answer some questions subject to "certain safeguards". These included that the answers should remain confidential and that no direct reference should be made to them in any report until there was no longer a risk of prejudice to his client.

John Browne, Conservative

MP for Winchester, suggested that the brothers could present their evidence in private if the committee understood not to divulge it to the Serious Fraud Office, but that idea was not supported by other committee members and after a 20-minute adjournment, Mr Field said members would continue with their questioning. "We cannot change our procedure. You must know the difficulties involved in guaranteeing the secrecy that you have asked for."

But each time he tried to ask a question, the brothers referred it to their lawyers — and the two QCs replied that there would be no answer.

Lawyers do talking, page 2
Ministers challenged, page 6
Diary, page 12
Leading article, page 13
Law Times, page 27

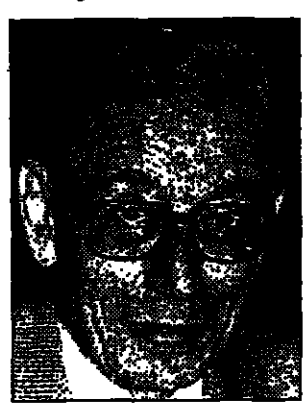


Sound of silence: Kevin and Ian Maxwell tight-lipped under questioning from MPs of the Commons select committee yesterday

Tories question Labour credibility over defence

BY ROBIN OAKLEY AND NICHOLAS WOOD

THE government yesterday signalled its determination to play the defence card in the general election campaign by confirming that the prime minister will at the end of the month chair a special meeting of the United Nations Security Council and challenge Labour over nuclear weapons.



Boutros Ghali: election link side-stepped

linging Labour over nuclear weapons.

Tom King, the defence secretary, gave a warning that the break-up of the Soviet Union meant the risk of nuclear war had never been greater, while John Major made clear that he would shortly return to the world stage by presiding over international efforts to stop the former Soviet Union's nuclear arms and expertise falling into the hands of Third World dictators.

Emerging from an hour of talks at No 10 with Boutros Ghali, the UN secretary-general, Mr Major disclosed that he had invited President Yeltsin to visit London on the eve of the special security council summit in New York. "The security area of particular importance will be the question of disarmament and non-proliferation and the very important role

the UN has to play in that," he said.

The prime minister deflected questions linking the UN chief's visit with Conservative attempts to exploit defence for electoral purposes. But the clear message behind the high profile given to the talks with Dr Boutros Ghali was that the Tories believe themselves better able than Labour to deal with the un-

Continued on page 18, col 4

Woodrow Wyatt, page 12

Algeria extremists urge people to confront army

FROM JOHN PHILLIPS AND ALFRED HERMIDA IN ALGIERS

ALGERIAN fundamentalist leaders yesterday called on the people to fight the military after free parliamentary elections were cancelled, and tanks and troops were sent on to the streets.

Western diplomats said leaders of the Islamic Salvation Front were braced for a clampdown by security forces and had moved printing equipment from their headquarters in Algiers. One diplomat said that some fundamentalist activists had been arrested, but this could not be immediately confirmed.

The Islamic front statement said: "We call on veteran fighters, religious leaders, army officers and soldiers, sons of the martyrs, social organisations, and all who love Algeria, to take the stand

against this giant of power." It said there had been "a conspiracy to carry out crimes against Algeria and the Islamic project... No individual can remain neutral when there is a war between the people and their religion on the one hand and the agents of colonisation on the other."

The statement denounced what it called "despotism in the service of foreigners", and added: "We call on the people to stand ready. We appeal to the people to protect their choice and reject any moves aimed at interfering with their wishes and delaying the process of change."

The leader of the moderate democratic opposition, Hocine Ait Ahmed, said the murky manoeuvres by authorities after the resignation

on Saturday of Chadli Benjedid, the president, and Sunday's abrupt cancellation of the second round of elections, scheduled for Thursday, amounted to a coup.

"Are we in a takeover situation? I am afraid the answer is yes, even though it has been done without apparent violence," Mr Ahmed said.

Last night the streets of Algiers were tense, with tanks and riot police stationed at key installations. Political experts doubt whether the security council, which assumed power on Sunday night, will now hold new presidential elections which according to the constitution should be held within 45 days.

Militants wait, page 8
Michael Binyon, page 12

US support for Bush slumps to new low

FROM MARTIN FLETCHER IN WASHINGTON

PRESIDENT Bush's opinion poll rating dropped to an all-time low yesterday. A Gallup poll for Cable News Network and USA Today gave Mr Bush 46 per cent support, down from 89 per cent just after the Gulf war. The survey was conducted before his widely derided trip to Japan last week.

The Gallup survey closely followed a New York Times poll that gave Mr Bush 48 per cent support, and made gloomy reading for the presi-

dent and his team of campaign advisers. Just 24 per cent of respondents approved of his economic stewardship, 68 per cent thought he devoted too little attention to America's domestic problems, and 63 per cent believed that he favoured the rich. His support has slipped fastest in the south, a key electoral region.

A separate poll yesterday showed Patrick Buchanan, Continued on page 18, col 2

Gaff at risk, page 19

Curses! I could swear you were being rude

FROM CHARLES BREMNER IN NEW YORK

THE next time that some foul-mouthed driver curses you in traffic, avoid returning the compliment and try something like: "May you become famous. They should name a disease after you." It may not have the same impact, but at least you would score for creativity, according to Reinhold Aman, America's foremost expert on cursing.

Dr Aman, who cites that Yiddish put-down as one of his favourites, offers thousands of more obscure insults in *Maledicta*, the International Journal of Verbal Aggression, a biennial publication that finds no image too obscene nor curse too obscene to record in the name of scholarship. Should you wish to reprimand a waiter on your next trip to Tullisi, for example, "Elementary Geor-

gian Obscenity", an article in *Maledicta's* latest issue, suggests "Mama!giot!" or "father of a dog". Dr Aman, a Bavarian with a PhD in medieval language, says Hungary is home of the most obscene and imaginative cursing of any culture he has studied in his 26 years of cursology.

"The Hungarian is really the tops. It combines the most hair-raising blasphemies, obscenities and scatologies," he says. He quotes what he says is a mild example, involving God and bodily functions and adds: "The others are much worse and unprintable in a family newspaper."

"I like to quote Freud when he said to his daughter Anna: 'The first human being who hurled a curse instead of a weapon was the founder of civilisation,'" says Dr Aman, noting that foul language is by no means the preserve of

the uneducated or the low class.

Yiddish, he says, offers the most imaginative and least obscene ways of insulting people. "The Jews have about 2,000 years of experience, practising, being without arms. Instead of using physical aggression like other cultures, they had to fight with their words." The only trouble is that in the 1990s, the victim of your abuse may be a street away by the time you have hit the punchline of "May your bones be broken more often than the 10 commandments", or "May you inherit a shipload full of gold and it shouldn't pay for your doctors' bills". Those are favourites among the 2,000 Yiddish insults, compiled by Dr Aman, who lives in Santa Rosa, California. While Africans Continued on page 18, col 4

Leading article, page 13

TODAY IN THE TIMES

LAST THROW



"I tried a gentle practice throw," said Fatima Whitbread, who announced her retirement from competitive sport yesterday. "but my shoulder just dislocated. Deep in my heart, I knew that it was all over." Page 36

SHY STAR



Viviana Durante, rising Royal Ballet star, explains why her natural shyness will help her face her biggest dramatic challenge: Giselle Page 10

IN THE BAG



Practicality is never a priority when Anya Hindmarch designs a handbag. Like other chic bags today, hers are barely big enough to hold credit cards and keys Page 11

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Select committee defeated by refusal to answer any questions

Maxwell brothers let their lawyers do the talking

By JILL SHERMAN, POLITICAL CORRESPONDENT

IAN and Kevin Maxwell hardly uttered a word as the House of Commons yesterday as their lawyers argued their right to remain silent over the millions of pounds missing from the Mirror Group pension fund.

Ordered to give evidence before the social security select committee after failing to attend last month, the brothers refused to answer any questions and left the talking to the lawyers.

It took nearly two hours, however, for George Carman, QC, for Kevin Maxwell and John Jarvis, QC, for his brother, to convince Frank Field, committee chairman, that the brothers

would stonewall him at every turn. Mr Field opened the meeting, which was part of a general enquiry into pension funds, by saying that "this is not a trial". The brothers were not on oath, he said, but "parliament took a dim view if witnesses refused to answer questions".

The battle lines were already drawn. Mr Carman immediately argued that Kevin Maxwell was "in peril" of criminal charges and it was a basic principle of English law that a person did not have to testify against himself. Mr Carman said he had advised his client not to answer any questions which might incriminate him.

"The right to silence is constitutionally paramount. He has been advised by me and others that he faces a criminal prosecution."

Kevin Maxwell's refusal to answer questions did not show disrespect, he said. However, as the proceedings were being broadcast live, viewers and prospective jurors might well take a prejudiced view if Mr Maxwell either answered questions or refused to reply. "To have questions put to him upon matters which are prospectively... criminal matters is a denial of his right to silence."

David Harris, Conservative MP for St Ives, was not impressed. "What about the rights of pensioners?" he asked. "If, in my own constituency, had a family absolutely devastated because of the loss of pension. How can we go about our enquiry to protect the interests of so many people in this country if we go along with your suggestion that they should have the right of silence?"

Mr Carman told the committee that Kevin Maxwell was likely to face criminal charges in the near future. "In my judgment I say two things on criminal charges: one that they are likely and two, they are likely soon."

Mr Jarvis claimed the brothers had a right to *sub judice*. He said the serious fraud office was investigating five areas relating to Ian Maxwell's business interests, including the pension funds. However he said that Ian Maxwell was quite willing to answer questions in writing as long as there were "certain safeguards".

"The safeguards we have in mind are that the answers which he gives should be kept confidential to the committee and that no direct reference to his answers should be made in any report which the committee produces until such time as there is no risk of prejudice to Mr Ian Maxwell."

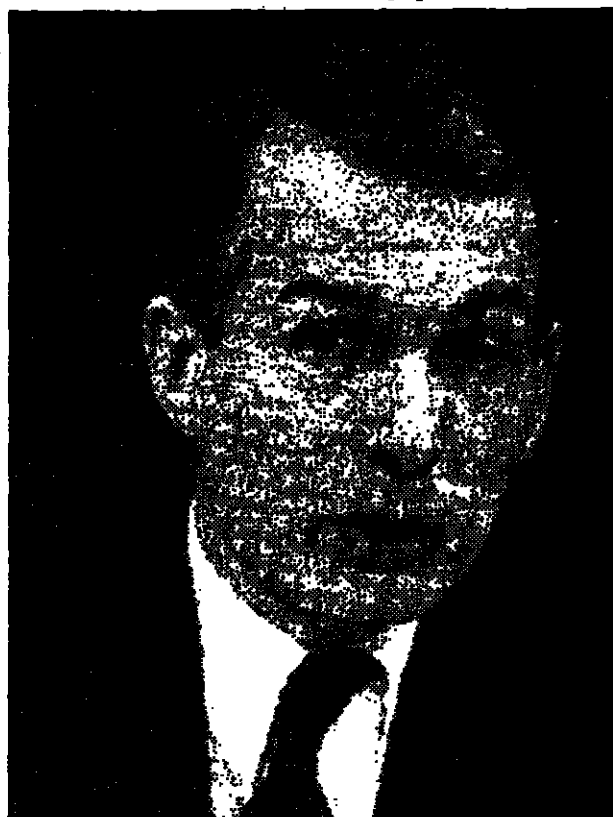
After several fruitless attempts to elicit a response, Mr Field ended the hearing and said the committee would consider, in private, its next move. Costs in the Maxwell case, which could run to hundreds of thousands of pounds, are likely to be at the top end of lawyers' rates because of the complexity of the case and the leading names who have been briefed.

The brief fee in each case could be anything from £50,000 to £100,000, with a daily refresher of £1,000 to £2,000. The junior counsel would earn half the refresher fee. Then there are firms of solicitors, charging at least £200 an hour.

Maxwell silence, page 1
Diary, page 12



George Carman: advised his client, Kevin Maxwell, not to answer any questions



Frank Field: Not a trial, he said, but a dim view was taken of witnesses' refusal to answer



John Jarvis: said his client, Ian Maxwell, was willing to answer in writing 'with safeguards'

Silence right eroded in law

By FRANCES GIBB, LEGAL CORRESPONDENT

THE right to silence, hailed by George Carman, QC, yesterday as a "constitutionally paramount", is the latest example of growing friction between an ancient and basic principle of common law and the powers of investigators.

Yesterday the Maxwells exercised the right on two occasions: first, in the Court of Appeal at the start of Kevin Maxwell's appeal against a ruling that he must answer questions about £450 million missing from the Mirror Group pension funds, and an hour later, when they appeared before the Commons social security select committee.

The right to silence is regarded by lawyers as a fundamental right of defendants, but in recent years it has faced erosion by legislation such as the Companies Act 1985 and the Criminal Justice Act 1987, which empower investigators to compel people to answer questions in connection with fraud enquiries.

Yesterday, Mr Carman told MPs that the right of the Maxwells not to incriminate themselves overrode any other interests in what had happened to the missing pension funds. Earlier, Gavin Lightman, QC, had argued in the Court of Appeal that Kevin Maxwell was not required to provide information to comply with a court order under the Insolvency Act: the appeal will turn on whether the act has removed his right to remain silent in the face of that court order.

The right to silence is regarded by lawyers and the public generally as "dating back to the Magna Carta, if not to Noah's flood", according to Jackson's *Machinery of Justice*. But the principle is comparatively modern, and was only established in this century.

In the 19th century, a defendant was not allowed to give evidence on his own behalf. The right of silence grew up to protect him in case he said anything to incriminate himself when he was arrested, but was unable ever to put it right.

In 1898, the Criminal Evidence Act provided for the first time the defendant with a statutory right to give evidence on his own behalf. Brian Barker, QC, of the Criminal Bar Association, said yesterday: "The right to silence is a fundamental right which arose from a defendant not being allowed to give evidence on his own behalf. There is continual pressure to erode it, as seen in Serious Fraud Office investigations."

However, there are already signs of a backlash: in a recent ruling, a man under investigation for fraud successfully challenged the extensive powers of the Serious Fraud Office.

Jonathan Caplan, QC, chairman of the public affairs committee of the Bar, said: "We do not have a general right of silence enshrined in statute and recent legislation has tended to whittle the right away."

Leading article, page 13
Law Times, page 27

Bank joins battle to buy the Mirror

By MELINDA WITSTOCK, MEDIA CORRESPONDENT

PLANS for a management buyout of Mirror Group Newspapers "remain on course" despite some City jitters after the weekend exit from the bidding by Pearson, publisher of the *Financial Times*.

But the buyout team, led by Richard Stott, editor of the *Daily Mirror*, could face new competition. Hambros, the merchant bank, has confirmed that it is putting together a consortium of City institutions and media companies to buy the Maxwell family's 51 per cent stake in MGN.

Electra, the venture capital firm which is organising Mr Stott's management buyout, has not yet approached any other potential investors to join it. Electra said last night that it would not itself invest more than £49 million, leaving hundreds of millions more to be raised.

Before Pearson dropped out, MGN was thought to be worth about £450 million. However, news that liabilities are as high as £840 million and might reach £1 billion, could push

the asking price down. City sources said potential investors in the buyout were worried not only about MGN's liabilities but also that the amount of borrowing needed to finance the buyout would affect the group's future profits.

Paul Whitney, chief executive of CIN Management Ltd which handles the pension funds of British Coal employees, said he would be interested in participating in the buyout only if the commercial outlook was favourable. Many venture capital companies will want assurances that they can sell their stakes four or five years down the road at considerable profit.

John Sharkey, special advisor to the buyout team, said, however, that Electra had received several informal expressions of interest. "It is only sensible to approach people when we have sensible numbers in front of us," he said. New information is expected when the MGN accounts are published in early March. "We're proceeding on course," he said.

Minister shows his soft centre

By JOE JOSEPH

ROGER FREEMAN, the transport minister, arrived at work yesterday armed with chocolates for his secretaries, not because the ladies love Milk Tray, but because they were mollified by his suggestion that typists should make do with "cheap and cheerful" train travel.

On Friday Mr Freeman said a privatised British Rail might provide a cheaper class of service for typists and a "more luxurious service" for civil servants and businessmen. Typists across the country took down his words verbatim in shorthand and threw them back at him.

He promised to apologise to all secretaries with whom he came into contact yesterday. To show just how contrite he felt, Mr Freeman even travelled to work on London Underground's Circle Line, which gives British Rail a pretty close run as far as delays and cancellations go.

One box went to his parliamentary secretary in Westminster, delivered personally. The second went to his diary secretary, Carol Farr, who works with him at the Department of Transport's headquarters in London. The third went to the DoT's typing pool. "I regret the remark I made singling out secretaries and apologise for it," Mr Freeman said. Now get the man coffee and biscuits, for goodness sake.

Labour rail plea, page 6
Commons sketch, page 18

Soccer star on currency charge

Mickey Thomas, the Welsh soccer star, was charged last night with distributing counterfeit currency. Thomas, aged 37, who helped Wrexham knock Arsenal out of the FA Cup on January 4, will appear before the town's magistrates today.

North Wales police said a further 10 people had been charged but none had yet been charged. Thomas is a former Welsh international whose career has included spells at Manchester United, Everton, Chelsea and Leeds United. He scored seven minutes from time to set his side up for a 2-1 win over the league champions in the FA Cup third round.

Record silver on sale again

A pair of lavishly decorated English silver tankards which broke the world record for silver in 1968 are to be sold by Sotheby's in New York in May. The tankards fetched £56,000. Today they are estimated at £330,000.

The 17th century tankards were owned by the Lords Brownlow at Belton, Norfolk, until the family sold them 19 years ago. Now they are the highlights in a £14 million collection of European silver. Old Master paintings and French furniture being offered by Jaime Ortiz-Paino.

Steel pledge

Union leaders representing the 500 workers at the Dabhal steel plate mill said last night that they were prepared to fight to the end to save their own plant in the wake of the sudden closure by British Steel of the nearby Ravenscraig complex. They fear their jobs could be the next to go as British Steel continues its withdrawal from Scotland to concentrate steel production in Wales and on Teesside.

Mann rallies

Jack Mann, the British former hostage in Beirut, was "poorly but safe" last night at a British military hospital in Cyprus where he is suffering from pneumonia. His wife, Summie, was at his side. Mr Mann had "slightly improved" since Sunday when he was taken by helicopter from his home in Nicosia to the Princess Mary hospital at Akrotiri 60 miles away, a British bases spokesman said.

Palace alert

The Changing of the Guard was postponed for more than four hours yesterday after an alert about a possible IRA attack. Police closed and searched the area around the Mall and Buckingham Palace after being informed of a suspect package. They found nothing. The guard was changed without music or ceremony at about 4pm. No members of the royal family were at the palace.

Defensive play takes edge off televised fixture

By JOE JOSEPH

ONCE again, one of the most famous surnames was being dragged through the mud, this time in connection with what seemed to be rape. The proceedings were to be broadcast live on television, promising the nation a chance to decide.

Was this the final shattering of the myths surrounding a charismatic family whose influence once spanned the world? Were their lawyers up to performing under the glare of television lights? Would the witnesses buckle under questioning about what was done, and when? Did they know anything of the rape of funds that held the pensions of thousands? Was this trial by public opinion?

America had blow-by-blow television coverage of the William Kennedy Smith case and the Judge Clarence Thomas enquiry. Yesterday, we had Kevin and Ian Maxwell, forced to appear before a Commons committee trying to trace millions of pounds missing from Maxwell empire pension funds.

Somehow, as television, it

lacked razzamatazz. Vivian White, anchoring coverage in a BBC2 studio, struggled to persuade us that the country was on the brink of a constitutional crisis if the Maxwells refused to answer the committee's questions, but somehow his passion didn't catch light.

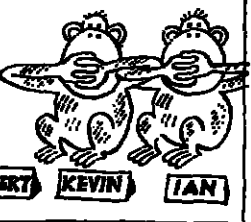
"It's the Westminster Live Special," Mr White kept screaming, as if it were the World Cup Final. He even had two journalists in the studio for Saint-and-Greaves punditry on what was going on. Nothing, however, was going on. Kevin and Ian became tongue-tied whenever Frank Field, the committee chairman, or his colleagues tossed them a question.

"Nothing like this has ever happened in a Commons select committee before," screamed White, sounding like a soccer commentator surveying a 23-man punch-up.

The two barristers — George Carman, for Kevin Maxwell, and John Jarvis for Ian — decided that "trial by television should not be tolerated" and that "the right to silence is constitutionally paramount".

"Nothing like this has ever happened before," Mr White screamed frantically as nothing happened.

Mr Field's dignity cracked only once in the face of all this nothingness, when he suggested an adjournment so the MPs could decide how to proceed. Be speedy, Mr Carman urged them, speedier than judges, at least. Mr Field said that they would because, after all, "we're not paid by the hour".



Aid for North-West

Labour 'to end misery'

By PHILIP WEBSTER, CHIEF POLITICAL CORRESPONDENT

LABOUR yesterday took its pre-election campaign to the North-West, promising a new deal for the people who lived and worked there.

The party has promised to set up a North-West development agency to end the "economic misery" that government policies had inflicted on the region.

John Smith, the shadow chancellor, told a press conference at Manchester airport that the agency would have extensive powers to regenerate the regional economy.

my and provide a crucial means of recovery, enabling commerce and industry, trade unions, local government and a "supportive" central government to work together. "Labour will introduce special tax incentives to stimulate essential investment, end the 'boom-bust' economies of the Tory years, and put Britain on course for steady and sustained economic growth," he said.

Gordon Brown, shadow trade and industry secretary, said that Labour would back a North-West Technology Trust with universities, colleges, local authorities, research institutes and industries working together in an innovation centre, enabling even the smallest firms to benefit quickly from inventions.

There would be a North-West export service to help hundreds of local firms which wanted to move into the export market.

Tony Blair, shadow employment secretary, claimed that Labour's plans would eradicate "the scandal of poverty pay", by introducing a minimum wage of not less than £3.40 an hour, bringing Britain into line with "the

best practice elsewhere in Europe". Labour's development agency proposal received a cautious welcome from business leaders in the region yesterday (Ronald Faux writes).

The Scottish and Welsh development agency models have long been the envy of industrial leaders in the North-West. The closest it has to such a body is inward, a government supported agency which encourages industry to move into the region.

Tom Weatherly, its chairman, said a North-West development agency would be a useful tool to revive the economy and help the region compete for new industry but more would need to be known about Labour's plans and the level of funding before giving it unqualified approval.

A spokesman for the Confederation of British Industry in the North-West said that another layer of bureaucracy would not be welcomed. Regeneration of the region should be through a business-led partnership with the training and enterprise councils and other agencies involved.

Geldof loses his cool on aircraft

By HARVEY ELLIOTT, AIR CORRESPONDENT

BOB Geldof became so agitated at being held on an aircraft diverted to Stansted airport from Heathrow that he was arrested.

The Live Aid organiser had to sit on his Royal Air Maroc 727 at the Essex runway rather than land at Heathrow as originally planned. After at least an hour in the 727 cabin he began to lose his cool to such an extent that the police were called and he was taken off the aircraft for "discussions" with the constabulary.

After letting off steam in a police car on the tarmac Mr Geldof, who was returning on Sunday to Britain with his wife Paula Yates and daughter Fifi Trixibelle, calmed down and, in a novel police phrase, was "de-arrested" and asked to use his influence in calming other passengers.

Stansted, meanwhile, was counting the additional landing fees from the 36 aircraft, paying an average of £200 each to land at the one airport in the South which was basking in the sun. Once Mr Geldof and his fellow passengers were allowed off five hours after they had landed, the airline had to pay an extra £2 a head, a charge that is waived if they do not disembark.

Stansted, which normally handles 3,500 passengers on a Sunday in winter but found itself coping with an additional 7,500 last Sunday alone, said that the staff coped incredibly well with the extra demands and they were sure that a wish to avoid the additional charges had nothing to do with passengers being held for so long on board. Royal Air Maroc was not available for comment and Bob Geldof described the episode as "no big deal".

Gatwick was the worst affected airport over the weekend, with 49 flights diverted out of a total of 185 potential landings. The aircraft that could land were those equipped with computer-controlled landing systems that enable pilots to keep their hands off the controls until the aircraft is a few feet from the ground. Older aircraft such as Bob Geldof's 727 had no chance.

Of the 1,000 movements scheduled into and out of Heathrow on Sunday half were cancelled and many other flights had to be diverted to airports ranging from Manchester to Paris. By yesterday the fog had cleared, and apart from the backlog of flights all was slowly getting back to normal.

LABOUR councillors in Southwark, south London, have been criticised by the district auditor for losing £300,000 from the council's pension fund, which was invested in the failed *News on Sunday* newspaper.

In a report presented to a council committee last night, the auditor said that the investment had been made in spite of warnings by the council's pension advisers. He told councillors that they must put their duties as pension fund trustees above their political sympathies.

Normally, poll tax payers have to meet shortfalls in council pension funds, but the council says that it has made good the loss by profits on other investments.

Other councillors are now calling for a ban on investments such as the council made in the paper in 1986. Nick Eriksen, Tory spokesman on finance and administration, said: "It was basically a political investment and we want to make sure that charge-payers money is not put at risk again."

"To say they have made money on other investments is ridiculous. They would have made those profits any

Council criticised over pension loss

By DOUGLAS BROOM, LOCAL GOVERNMENT CORRESPONDENT

way and the pension fund is still £300,000 worse off than it would have been if they had not invested in *News on Sunday*.

The auditor has decided to take no action beyond warning councillors to take notice of professional investment advice and to "weigh carefully the respective merits of different investment opportunities." He stepped in after Nicholas Roskill, a retired merchant banker from Cambridge Green, made a formal complaint about the investment.

Mr Roskill said yesterday that investment advice had been ignored by councillors. "Southwark was no Maxwell, and no fraud was detected in this instance, but urgent action by way of legislation is needed to prevent such palpable abuse of pension fund assets in the future."

A council spokeswoman said: "Our advisers did not actually advise against the investment. They said only that it was marginal. In that year, although we lost on that particular investment, we increased the value of our fund by 26.7 per cent, the best performance of all 91 local authority pension funds."

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Firm allowed casual staff to use false names in dole fraud

By MICHAEL HORNELL

THREE men were found guilty yesterday of taking part in a "silly names" dole fraud involving Queen Elizabeth of Buck House, James Bond, Andy Pandy and Count Dracula.

Southwark crown court, south London, was told how the false names were used on pay sheets for casual workers so that they could earn cash in hand by working incognito for magazine distribution companies while still claiming unemployment pay. The court was told that some of the casual workers, who received the backing of their employers, would even be dropped off at social security offices in company vans.

The case was the 46th successful prosecution in the past year against employers colluding in unemployment benefit fraud, although there have been 3,450 prosecutions against individuals over the same period. More than £43 million has been saved from these cases and from

335,000 investigations by employment inspectors which resulted in the withdrawal of 65,000 benefit claims.

An employment department spokesman said after the case: "The vast majority of claims are honest and genuine, but there are a significant number of people drawing unemployment benefits while continuing to work. Employment inspectors are becoming increasingly effective in investigating cases involving employers who deliberately collude with employees to defraud the benefit system."

When inspectors working on the silly names case raided company offices, they found records showing that work had been carried out by, among others, John O. Groats, Mr Bumble, Miss Muffet, Rob Roy and Ronald McDonald. Other names were Tom E. Gunn, of Artillery Lane, and Count Dracula, of Coffin Lane.

Donald Forster, aged 54, of Saldern, near Brighton, was found guilty of four charges of furnishing false information and four counts of obtaining property by deception. Robert Longworth, aged 40, of Earl's Court, west London, was found guilty of two counts of furnishing false information, and John Johank, aged 29, of Hackney, east London, was found guilty of two charges of furnishing false information and claims of one charge. The offences took place from 1985-9.

Nine others have pleaded guilty to their part in the fraud and all 12 defendants will be sentenced on Feb 10. The court heard that two distribution companies were involved in the crooked scheme: Target Distribution Ltd, from Chingford, east London, and Direct Delivery

Systems from Hove, East Sussex. Forster was the sales manager for Target and later moved to Direct Delivery Systems. Johank and Longworth worked as drivers and deliverers for both companies.

Edward Lewis, for the prosecution, said that Forster helped to perfect the system of using casual labour, knowing that the workers were also claiming unemployment benefit. "He was aware of the practice, permitted it, and encouraged it."

The court was told that people seeking work with "no questions asked" would queue each morning for the delivery vans to collect them from pick-up points in Earl's Court. Workers would be taken to affluent areas of London to deliver glossy magazines and advertising pamphlets through letter boxes.

The workers would be paid £20 each at the end of a delivery session. The only requirement made of them was that they fill in a pay sheet that acted as a receipt of their wages. Most workers were also claiming dole money and therefore did not want to use their own names, the court was told.

The investigation was launched when people claiming to be unemployed were noticed being dropped off at dole offices in two Bond Street vans bearing similar registration numbers. Mr Lewis said: "So widespread was the fraud that drivers and runners would be taken to the unemployment benefit office to sign on. Inspectors demanded to see company pay sheets and it was then that the names were uncovered. The jury was given verdicts on eight other counts after failing to agree."

Mother's murder 'was preventable'

THE savage and motiveless killing of a mother in front of her two young children by a man with a long history of mental illness was foreseeable and preventable, an Old Bailey judge said yesterday.

Judge Laughton, QC, said that he would send the papers on the case to the home secretary so they could consider whether the law and resources were adequate to prevent a repetition of the tragedy.

Grace Quigley was killed at her home in Stamford Hill, north London, by Kevin Rooney, aged 28, who had discharged himself from hospital two days before the attack last May.

Timothy Langdale, for the prosecution, said Rooney's long relationship with Mrs Quigley had cooled when she

became a Jehovah's Witness. He was arrested on May 3 after threatening another woman and was treated in hospital for schizophrenia. But he discharged himself without telling anyone on May 9.

Two days later, after drinking at a pub and wearing an Arab headdress, he let himself into Mrs Quigley's flat. She took her daughters, aged five and six, to a neighbour's home but Rooney, brandishing a knife, followed them. As the children and neighbours watched, he stabbed Mrs Quigley more than 20 times.

The court accepted Rooney's plea of not guilty to murder and admission of manslaughter. The judge ordered that Rooney, of Hackney, east London, be detained at Rampton hospital indefinitely.



Schools of music: John Lennon, left, and Duke Ellington, could be joining Bach and Beethoven



Schools may soon teach jazz and pop

LENNON and McCartney, Fats Waller and Duke Ellington will join Bach and Beethoven as recommended composers in compulsory national curriculum music lessons under proposals made by the government's advisers yesterday.

David Pascoe, chairman of the National Curriculum Council, said that he accepted the dangers of publishing lists of composers and artists alongside legally required lessons, but felt that different schools of music and art should be recognised as essential learning, which should lay emphasis on British and Western culture.

The examples were given only as guidance to teachers and did not rule out lessons in ethnic music such as African drums, which were recommended by the music working party. The changes in music proposals were matched by those in compulsory art, which also emphasised

The Beatles should be part of the national curriculum for music, government advisers say. David Tytler looks at plans for art, music and physical education

ised the Western tradition, with Henry Moore, Leonardo da Vinci, Stubbs and L.S. Lowry among recommended artists.

Mr Pascoe was announcing the council's final proposals in the last three national curriculum subjects, of music, art and physical education. Kenneth Clarke, the education secretary, will now decide whether to accept the proposals for introduction in schools this September.

The council's recommendations make significant changes to the original proposals for art and music and have ignored the preferences of about half of those teachers and educationists who were asked for their views. Art and music will be compulsory only

for pupils aged five to 14, but senior classes will be expected to be offered some lessons in music or art or a mixture of both.

Criticising the original proposals, the council said that many of the recommendations were difficult to understand and used too much jargon. The new proposals were easy to understand, simpler to manage, particularly for primary school teachers, and would ensure that all pupils had a basic grounding in art and music.

The achievements of pupils in all three subjects will be assessed by teachers, and not by national tests as in the core subjects of mathematics, English and science.

The original working party

proposals for physical education, which will be compulsory from five years to 18, have largely been accepted by the council, although 14-year-old boys will no longer be forced to take dancing lessons as part of compulsory physical education classes. Dance will be one of five options from which children will have to choose four at secondary school. Games, however, will be compulsory.

All children will be expected to be able to swim by the time they are aged 11. Mr Pascoe said that the council would not set a time limit, but that he expected the government to introduce compulsory swimming lessons as soon as possible.

Football disaster charge dropped

By STEWART TENDLER
CRIME CORRESPONDENT

NO DISCIPLINARY or criminal charges will be brought against any of the South Yorkshire policemen involved in the 1989 Hillsborough football disaster. The Police Complaints Authority said yesterday that the last outstanding discipline charge had been dropped.

Superintendent Bernard Murray, of South Yorkshire police, faced a charge of neglect of duty as a result of the disaster, at the FA Cup semi-final between Liverpool and Nottingham Forest on April 15. Ninety five people died after police allowed thousands of fans gathering before the kick-off to pour into the ground at Sheffield.

Originally Mr Murray, second in command in the control room, faced the discipline charge with Chief Superintendent David Duckenfield, who was in charge at the ground.

The authority said yesterday that the situation had changed since Mr Duckenfield was allowed to retire on grounds of ill health last November. It said it had withdrawn the charge against Mr Murray because "it would be unjust and inappropriate to pursue the charge against the superintendent alone in the absence of his superior officer".

Trevor Hicks, chairman of Hillsborough Family Support Group and father of two teenage daughters who died in the disaster, said: "The final result of everything is that no police officer has lost a day's pay and Mr Duckenfield has gone off with a £25,000-a-year pension. It's all a farce."

Richard Wells, Chief Constable of South Yorkshire, said that he had never been convinced that a disciplinary tribunal was appropriate and he was relieved the force's argument about natural justice had been accepted by the authority.

Riot five found guilty

By TIM JONES

FIVE men were yesterday found guilty of violent disorder during riots which began after an Asian shopkeeper won a court injunction to stop a neighbouring shop competing by selling bread and milk.

The five played a prominent part in the late night riots on Cardiff's Ely housing estate, the court was told. A mob of more than 200 was involved.

The jury heard that bricks and bottles were thrown at police who were also punched and kicked as they tried to break up gangs which had gathered in the streets. There were cries of "kill the pigs" and "fight them", after five officers turned up in a van to disperse the crowds.

Leighton Davies, for the prosecution, said: "The five defendants were five amongst many. But these five defendants were seen, were recognised and in many ways played a prominent part in what was going on." The court was told that a crowd of three bricks and bottles at the shop, owned by Abdul Wahab.

Lee Newbury, 23, Anthony Beattie, 22, Paul Gonzalez, 24, Martin Thomas, 19, and Wayne Murphy, 17, who all denied the charges, were remanded in custody for social inquiry reports before being sentenced. Newbury was also found guilty of assaulting a policeman.

Oaks struck by mystery killer

By CRAIG SETON

AN INCREASE in deaths of oak trees in the South and Midlands is being investigated by the Forestry Commission.

A mystery condition, known as dieback, is killing trees between 40 and 200 years old. The commission has been unable to find a common cause for the attack on the oak, which is one of Britain's most common broadleaved species.

The majority of cases have been found in Nottinghamshire, Northamptonshire, Lincolnshire and Leicestershire but oaks have been affected in Devon, Kent, Gloucestershire and as far north as Cheshire.

Brian Greig, a member of the Forestry Commission's pathology branch at Farnham, Surrey, said that hundreds rather than thousands of oaks were suffering from dieback, which causes trees to lose their foliage and branches, but the condition was causing concern.

"The English oak is part of the national heritage and that is why we are taking it very seriously. We do not want people to be alarmed into thinking it is going the same way as Dutch elm disease, but we are investigating an unknown situation."

Mr Greig said that the condition could not be described as a disease as no bacteria, virus or fungus had

been detected. There are theories that a number of complex factors, including climate and soil conditions and water stress caused by drought could have weakened trees and made them more prone to secondary organisms. Insects could also be responsible.

Affected trees generally decline and die over two or three years. Their foliage becomes pale and sparse and there is a gradual dieback of fine twigs, spreading to larger branches, giving oaks a skeletal appearance.

Members of the Country Landowners Association have been asked to report signs of dieback to the commission, whose researchers are monitoring the condition of trees found to be suffering at a number of sites.

Mr Greig said that one of the areas worst affected was in a country park area of Sherwood forest, Nottinghamshire, where more than 100 trees were affected. The Wyre Forest, west of the Birmingham, was also seriously affected.

A study of growth patterns of affected trees suggests that the condition could have started in about 1985 or 1986. Mr Greig said: "It may be a unique combination of factors that occurred in the mid-1980s and is working its way through."

Earnings analysis Five million are underpaid

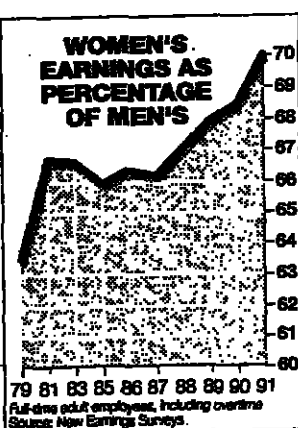
By LIN JENKINS

MORE than five million people in full-time employment earn less than the Low Pay Unit threshold, according to an analysis of government statistics published today.

The unit found that 9.18 million people, including part-time employees, last year earned less than the threshold, which is set at two-thirds of the average (median) male earnings — £185.00 a week or £4.92 an hour on the basis of a 37.6 hour working week.

The numbers are lower than in the previous year when 9.65 million earned less than the threshold, although the unit says that a quarter of that reduction is due to the fall in the number of people working. Women made up 68 per cent of those below the threshold, and those working full time earned on average about 70 per cent of men's pay.

Although there has been steady improvement from 1979, when women's pay was about 63.6 per cent of men's pay, the unit reckons that at the present rate it will be 55 years before equal pay is achieved. Much of the discrepancy is caused "by unequal access to shift and bonus payments, occupational segregation and pure discrimination", the report says. Using the Council of Europe's decency threshold as another definition of low pay,



the unit found that 10.02 million people, of whom 5.72 million were working full time and 6.45 million were women, were paid below the threshold. The council's definition is 68 per cent of average (mean) earnings of both men and women.

	Full-time	Including overtime	Excluding overtime
Women: all	44.7	47.5	47.5
non-manual	74.8	80.5	80.5
Men: all	37.9	40.0	40.0
non-manual	17.4	24.0	24.0
All full-timers	24.5	36.4	36.4
Part-timers	11.3	13.3	13.3
All part-timers	27.1	32.4	32.4
Women	78.1	78.1	78.1
Men	89.5	89.5	89.5
All part-timers	74.7	74.7	74.7
Total	43.2	43.2	43.2

*According to the Low Pay Unit's low pay threshold of under £105 a week, or £4.92 per hour, in 1991/2.
Source: Low Pay Unit estimates based on New Earnings Survey 1991

What the changes mean

Details of the proposals include:

Music: the working group's three attainment targets of performing, composing and appraising have been reduced to two: performing and composing, knowledge and understanding. Teachers would decide the time given to each requirement.

Throughout their school career pupils would be expected to work individually or in groups, use computers to create and record music, study European classical music from its earliest roots to the present day, and learn about music from the countries and regions of Britain and a variety of Western and non-Western cultures.

The composers suggested for study include Lennon and McCartney, Fats Waller and Duke Ellington, Bach, Beethoven, Schubert, Stravinsky, Britten and Tippett.

Art: the three original areas of study, understanding, making and investigating, have been cut to two: investigating and making, and knowledge and understanding. All pupils should undertake a balanced programme of art, craft and design, work individually or in groups, use

computers were possible and work in two or three dimensions. Recommended artists include, L.S. Lowry, Leonardo da Vinci, Rousseau, Stubbs and Elizabeth Frink.

Physical education: Children should be able to swim by the time they are 11 and take part in five other activities: athletics, dance, games, gymnastics and outdoor and adventurous activities. Swimming would be dropped as a separate subject at 11. On entering secondary school, four of the five activities should be chosen, and at 14, any two. Games would be compulsory up to 14.

The achievements of pupils in all three subjects will be assessed by teachers, and not by national tests as in the core subjects of mathematics, English and science.

The original working party

Siege team praised by judge

A JUDGE yesterday praised the "tact and skill" of senior police negotiators who brought a house siege in Hastings, East Sussex, to a peaceful conclusion.

Judge Lovegrove made his remarks while sentencing Richard Eastwood, aged 37, of Dartford, Kent, to six years in prison for holding two children as hostages for 16 hours, armed with a replica pistol. He told Lewes Crown Court that police surrounding the house where Eastwood later admitted unlawfully imprisoning Rhet Bartlett, aged 12, and Joseph Elworthy, aged 15, in September 1990 had been justified in believing that his replica gun was real.

He added: "If something goes wrong in one of these sieges and someone is hurt those tempted to criticise the police would do well to bear in mind... there might be much tension and the need to make rapid decisions to avoid terrible consequences to innocent people."

Eastwood also admitted unlawfully imprisoning and assaulting Rhet's mother Jan Bartlett.

The family of Ian Bennett, shot dead by a police marksman during a siege, refused to allow officers to attend his funeral yesterday. Bennett, aged 34, died on January 1 at his flat in Rastrick. A wreath from West Yorkshire police was also turned down.

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Interest rate dispute delays home rescue deals



Bolat: any deal must create affordable rents

The government's mortgage rescue package is being held up by negotiations between lenders and housing associations. The main sticking point is the rate of interest that building societies will charge the associations for loans to buy properties from borrowers who are in arrears.

The interest rate is likely to be set between 5 per cent and 8 per cent. Mark Bolat, director-general of the Council of Mortgage Lenders said: "The rate of interest is critical. It must translate into a rent that can be afforded." Jim Couther, director of the National Federation of

While lenders and housing associations haggle, borrowers are still facing repossession. Rachel Kelly reports

Housing Associations said: "We have to demonstrate that we can deliver — but only on the right terms. Associations are here to help, but not at any price."

Sir George Young, housing minister, advised the associations to adopt a tough negotiating posture with the mortgage lenders and to refuse deals which put their reserves at risk.

Mr Bolat said that other problems involved smaller building societies who might have comparatively few cases which would qualify for the schemes; cases where the value of the mortgage was greater than that of the property; and agreement on valuations.

Whatever package is agreed, it will be too late for a couple from Hull, whose repossession problems

were highlighted by *The Times* in December. They will soon have to leave their 40,000 terrace house after losing the struggle to keep their business afloat.

The Bradford & Bingley building society told them on Christmas eve that it would take them to court for the £1,600 they owed in mortgage arrears, days after the building society announced a £60 million rescue scheme.

"We are not that far advanced with our package," Jim Curran, of the Bradford & Bingley, said. "We are very much investigating options at the moment, but I can't say that,

had the scheme been up and running last year, [the couple] would have benefited. Every case is examined on its merits."

Another family whose fate was highlighted by *The Times* are still in the house in Puckeridge, Hertfordshire, from which they were threatened with eviction by National Home Loans in December.

The family telephoned the lenders when the government's package was first announced, and are waiting to hear what deal can be reached.

Model homes, page 11

Tories plan council tax sweeteners

By DOUGLAS BROOM
LOCAL GOVERNMENT CORRESPONDENT

MINISTERS are planning changes to the new council tax to head off the threat of a renewed revolt by Tory backbenchers from the South of England in the run-up to the general election.

Civil servants have drawn up plans to revalue homes at three-yearly intervals and to increase central grants to councils in London and the South East to keep down council tax bills.

The opposition claims that the government has a "secret agenda". David Blunkett, Labour's local government spokesman, yesterday accused ministers of attempting to bypass Parliament.

Conservative MPs representing London and the home counties are worried that high property prices in the south will lead to their constituents paying higher council tax bills than people in similar properties elsewhere in Britain.

They staged a Commons ambush that embarrassed Michael Heseltine, the environment secretary, when the council tax bill was introduced in the Commons. Since then they have lobbied for a special deal for the south.

To keep his options open Mr Heseltine has also delayed the announcement of transitional arrangements to help those who will lose from the change from the community charge to the new tax on April 1 next year. Senior Whitehall sources said yesterday

that the bill setting up the council tax, which begins its committee stage in the Lords next week, was "not the final word on the council tax".

They made clear that ministers had deliberately avoided difficult details to ensure that legislation setting up the new tax could reach the statute book before the election. It is expected to become law early in March.

Under the bill, homes will be put in one of eight tax bands based on their market value as at 1 April 1991. Work on allocating 21 million homes in England and Wales to tax bands began last month.

Although ministers have said that there will be no need for regular revaluation, their officials admit privately that they fear a rush of appeals when bandings are announced in the autumn, if the Conservatives win the general election. Labour is committed to scrapping the council tax and introducing fair rates.

To avoid the need to move every home into a new tax band every three years, officials have proposed that banding should continue to be based on the notional market value of a property at April 1 last year.

For example, homeowners along the route of a new motorway would have their properties revalued as if the road had been built in April 1991. By using 1991 prices, the same eight bands will continue to be used and properties which rise or fall sharply in value will simply move through the existing structure while most homes will be unaffected.

Sir Rhodes Boyson, Conservative MP for Brent North and a leading advocate of regional banding for London, said: "Without some action people in London will feel a real sense of injustice. There is a need for ministers to set out what they plan to do before the election."

Mr Blunkett said the Opposition had been surprised at the lack of government amendments to the bill as it passed through the Commons. "It is now clear why they appeared not to care if it went onto the statute book full of technical faults. The irony is that they will not get the chance to implement their secret plans because they will not get re-elected."

MP says lottery will make £3bn a year

By SIMON TAIT ARTS CORRESPONDENT

UP TO 30 million people would play a national lottery, producing £3 billion a year, Ivan Lawrence, the Conservative MP whose private member's bill to introduce one will be debated in the Commons on Friday, said yesterday.

Of that, £1 billion would go on prizes, £1 billion on administration and £1 billion would be divided among sport, the arts and the heritage environment. The health service would also benefit, he said, because young people prone to boredom would be introduced to an appreciation of music and literature which would divert them from physically harmful pursuits.

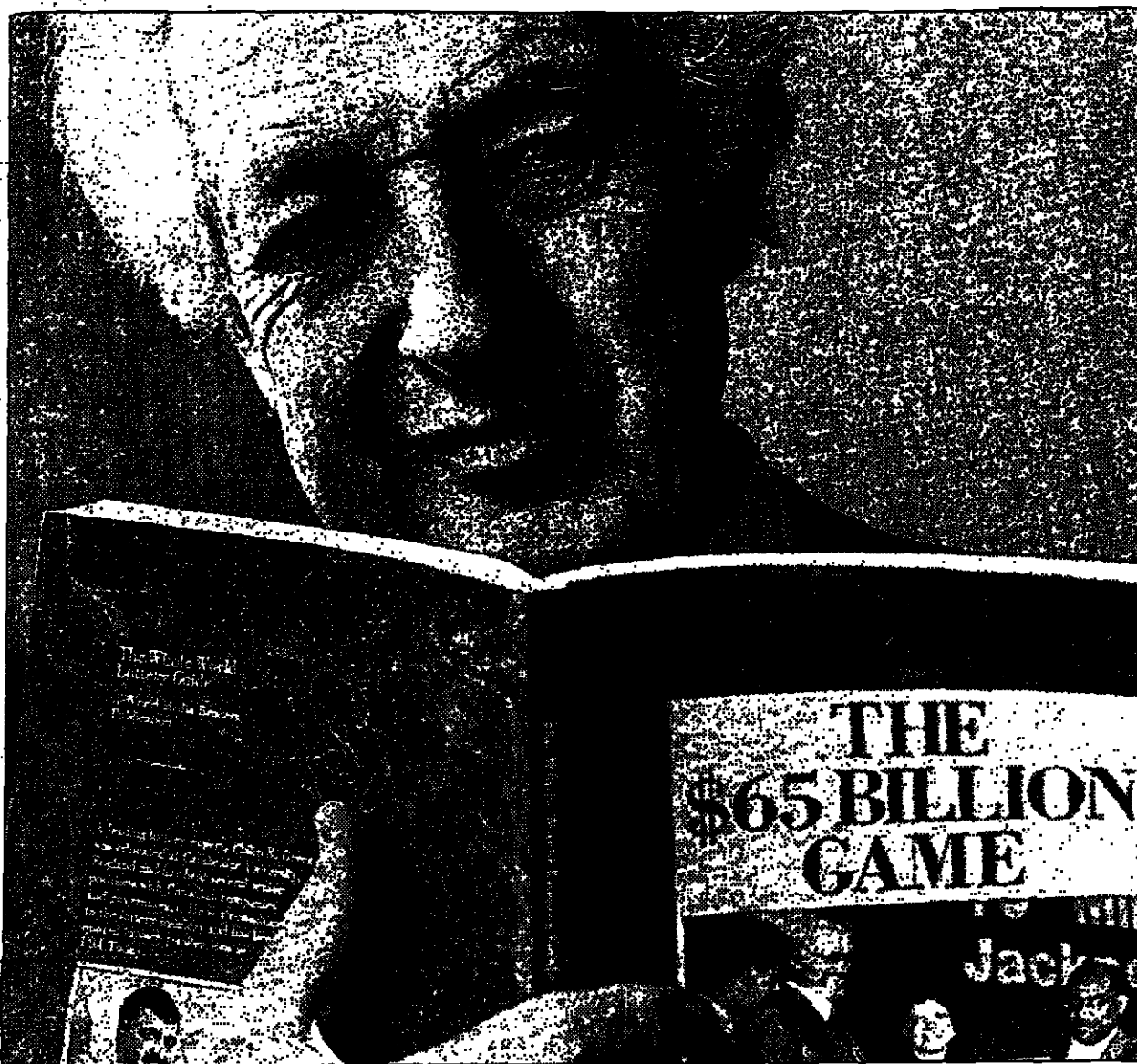
"There will be a quality of life in this country even higher than we enjoy at the moment," he said at a press conference to announce the bill. He was supported by the former England footballer Trevor Brooking, who is also a member of the Sports Council, and Anthony Everitt, secretary-general of the Arts Council.

Mr Lawrence's bill has its second reading as an enabling measure, clearing the way for the introduction of a lottery, possibly by January 1993. "The matter has become urgent," he said "for by 1993 we will not be able to stop European lotteries flooding into this country and I think it is better that British money should be used for British heritage, British theatres and British sports stadiums than for foreign ones."

This is the second time a lottery has been the subject of a private member's bill in two years. Ken Hargreaves's attempt in 1990 foundered because the government refused to support it. Now several Cabinet ministers — including, it is said, the prime minister — and MPs from both sides support the idea.

The chief opponents are the football pools companies, which introduced the Foundation for Sport and the Arts this year as a rival to the lottery, and charities that believe they will suffer because money would go instead to the lottery. Mr Lawrence said that 10 per cent of the £1 billion to be distributed would be reserved for smaller charities, and that surveys had shown that lottery funds would be new money and would not affect donations.

30 million expected to gamble in aid of arts and sport



Power of persuasion: Denis Vaughan, who has focused political attention on the idea of a state lottery

Conductor of a constant campaign

DENIS Vaughan has made a nuisance of himself in Westminster, Whitehall and Fleet Street. But it is his constant lobbying in a five-year campaign that has brought the idea of a national lottery so close to reality, with the two major parties considering including it in their manifestos (Simon Tait writes).

He has won the support of public figures such as Lord Birkett, who said: "The trouble with working in the way Denis does — pushing reams of faxes and reports through to people — is you get stamped as a freak, a monomaniac, an obsessionist. But without him the lottery would not be in public consciousness as it now is."

There will be much praise if the lottery raises £3 billion a year as Mr Vaughan predicts it could within three years, by offering up to £10 million a week in prizes. More importantly, it will provide a funding bedrock for sport, the arts, and the environment,

with capital and endowment funding for new ventures.

Denis Vaughan, who was born in Australia, is 65 and a freelance conductor and recording artist. His devotion to the lottery idea was prompted by his dream of establishing an equivalent to New York's Lincoln Center for the Performing Arts in London.

He was working in Sydney in the late 1960s when the Sydney Opera House was built with lottery money. "Having seen that, I was in no doubt as to how we would have to get the money for the London centre. It was just a matter of persuading the powers that be," he said.

The potential of the lottery has outstripped the idea of an arts centre, however. "Some of the public like sports, some like the arts, but the two can be mutually exclusive. Everybody is in favour of the environment."

Thatcher, a lottery opponent, resigned as prime minister.

In 1990 he and Lord Birkett formed the Lottery Promotion Company, designed to push through a non-profit making, privately-run lottery. Mr Vaughan is executive director and has been Ivan Lawrence's chief adviser in the campaign to get the MP's bill to its second reading debate. The breakthrough came when Mrs

Thatcher, a lottery opponent, resigned as prime minister.

Mr Vaughan's message is that unless the British have a lottery they will put their money into European ones. "Many people are trying to get their foot in the lottery door, but ours is the only scheme that is truly non-profit making with a specific aim. We have to make sure that our scheme, or one based on it, is the one which prevails."

Family TV until 10pm urged after rape scene

Mary Whitehouse, the co-ordinator of the National Viewers' and Listeners' Association, yesterday accused the BBC of "arrogant cynicism" in showing a disturbing and explicit rape scene immediately after the 9pm watershed for adult viewing.

Mrs Whitehouse said that Melvyn Bragg's adaptation of the novel *A Time to Dance* insulted viewers' intelligence by the amount of explicit sex it contained. The association is now calling for family viewing to be extended to 10pm.

The BBC said that the 50 telephone calls received, mainly complaints about the rape scene, were not an exceptionally large number. The programme was "a serious piece of drama".

£100,000 for baby error

Linda Allen, whose unwanted daughter Faye, now five, was born because of a hospital error, won £96,697 damages in the High Court to cover costs of raising her, lost earnings and childbirth pain.

Mrs Allen, a divorcee, aged 42, of Chessington, Surrey, already had two children, aged 18 and 16, when sterilised in 1985 at the Elizabeth Garrett Anderson Hospital for Women, northwest London, which failed to detect her four-week-old pregnancy.

Driver jailed

A computer consultant who had drunk six pints of beer when he lost control of his Porsche while overtaking on the inside and caused an accident in which a motorcyclist lost a leg has been jailed for 15 months. Mark Steel, aged 25, of Cox Green, Berkshire, admitted reckless driving and drink driving.

Missing hour

Richard Lyddon, a Somerset nurse murdered at Reading station on Friday, had been in the town for at least an hour, police said. Det Supt Mick Cox said Mr Lyddon might have gone to the town centre. There was evidence that his killer was wounded.

Father accused

Richard Yates, aged 32, of no fixed address, was remanded in custody accused of killing his daughter, Nicola, aged 10, whose body was found in a country park at Swindon, Wiltshire on Sunday.

Prison party

Britain's first private jail, the Wolds remand centre at Evershorpe, Humberside, plans to hold a charity fancy dress party with a prison clothes theme before it opens. The Prison Reform Trust said the idea was insensitive.

English law is one of slowest in Europe

By FRANCES GIBB
LEGAL CORRESPONDENT

ENGLAND and Wales have one of the slowest legal systems in Europe, after Italy and Ireland, according to a study published today. Civil cases take 2.5 years on average, with cases taking an average 18 months.

The study has found huge inconsistencies in the way justice is dispensed throughout Europe, both in the time civil legal proceedings take and in the size of awards made.

Litigation can take up to five years in Italy, ten times longer than the six months of Greece or Germany.

Compensation is no greater for those who wait. A sample of personal injury cases shows that the average compensation was £420,000 in Germany and £300,000 in Italy. In England and Wales, the average was £360,000, one of the highest figures, after Germany, Ireland and France.

The study, *Civil Procedures in EC Countries*, was made by David McIntosh and Marjorie Holmes, of the London law firm Davies Arnold Cooper. "The EC's lawmakers have failed to grapple with this fundamental difficulty which prevents consumers from benefiting equally under its laws," Mr McIntosh says.

The study also highlighted huge variations in the percentage of legal claims settled out of court. England and Wales top the table with 95 per cent of civil disputes dealt with in this way. Scotland and Ireland had 90 per cent. In Germany the figure is 25 per cent and in Portugal and Belgium only 10 per cent.

The authors call for a federal civil code which "discards the worst but incorporates the best" of the various legal systems.

Law Times, pages 27 and 29
Law report, page 30.

Library's £450m move to St Pancras is shelved

PROBLEMS with movable shelving that have dogged plans to shift the British Library's books to its new £450 million St Pancras building are likely to delay its opening.

New problems have arisen with paint used on the first of the 186 miles of shelf cases. Lawyers are being consulted on who is responsible.

The move of the first 10 million books, the most used in the collection of 18 million, should have begun last July, but has been put back until at least February 1993.

The £8.5 million shelves were commissioned from Bruynzeel, a Dutch company, and this is the third postponement of the operation. The library was scheduled to be ready to welcome readers in the spring of 1993.

A library spokesman said: "The problems are going to take more time to correct than we thought."

"We don't know what this is going to mean to the opening of the new reading room in St Pancras, but there is inevitably going to

Problems with paint are the latest to hit the British Library's move to a new London site. Simon Tait reports



be a knock-on effect on the provisional timetable that we have. It is impossible to say now when the book moves will end."

Laboratory testing of paint on the 8ft-high steel shelves has shown that it may be insufficiently rust-proof, and the whole installation is likely to have to be repainted.

The first fault in the mechanical moving system was found last May. When it began to jolt and shudder, spilling books on to the floor. Then, shelves were found to stick altogether.

The spokesman said that all parties involved in the scheme — the library, the

Office of Arts and Libraries, the Property Services Agency, which commissioned the shelves, and Bruynzeel — were considering the legal position and how to proceed.

"We may be able to shift the most essential reference material in time for a spring opening, transporting other books by van from their stores, but the preparation of all the other reader facilities might be affected," the spokesman said.

Some shelf cases have been installed in the deepest basement of the four subterranean levels, 82ft below the surface, and eventually there are to be 186 miles of them.

The library is still in dispute with library assistants over pay and grading. The two sides are having talks with the Advisory, Conciliation and Arbitration Service. These are expected to continue for at least another month.

'Green the city' grants launched

By JOHN YOUNG

CASH incentives are to be introduced to encourage the creation of new woodlands on the edges of towns and cities.

The payment of £950 a hectare (about £375 an acre) was announced yesterday by Baroness Trumpington, minister responsible for forestry in England. She said that the government supported the steady expansion of tree cover and wanted new woodlands established in urban fringes throughout Britain. The payments, available from next month, would help to improve derelict landscapes, provide new habitats for wildlife and offer more opportunities for peaceful recreation.

"The deterioration of urban fringe landscapes is one of the major reasons why the Forestry Commission and the Countryside Commission launched the community forestry initiative," she added.

A condition of the new grant to landowners will be the provision of public access on foot, with car parking close at hand. The woodlands must be within five miles of the edge of a town or city.

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SIMPLY A MORE CONVENIENT ALTERNATIVE

Labour to derail privatisation plan

By PHILIP WEBSTER, CHIEF POLITICAL CORRESPONDENT

LABOUR will tell British Rail today that if there is a change of government it would be expected to abandon work on privatising any part of the system.

In an unusual move, the Labour party is writing to Sir Bob Reid, the BR chairman, setting out the policy objectives a Labour government would expect him to follow. It will also list a series of allegedly threatened services that Labour would insist BR should continue to run, and name some services withdrawn from the latest timetable that should be reinstated.

John Prescott, the shadow transport secretary, has decided to act in the wake of a spate of reports suggesting disagreement within the cabinet over the rival options for putting BR into the private sector. There is growing ex-

pectation among MPs that the final plan will involve the outright sale of InterCity with its own track, an option Labour will portray as fulfilling the government's long-held desire to strip the railways down to a profitable core.

Labour will make plain that while it would immediately start talks with BR about finances, there are certain priorities that it would expect the management to adhere to from the first day of a Labour government. These would include abandoning any privatisation work already started and scrapping work on the studies being conducted in preparation for privatisation. It will set out its plans for modernisation and investment, arguing that privatisation would mean further cuts in services.

Differing options for split-

ting up BR will be considered by a ministerial meeting shortly, although Malcolm Rifkind, the transport secretary, yesterday emphatically denied a cabinet split. He also denied reports that putting the network into private hands would mean shutting dozens of lines.

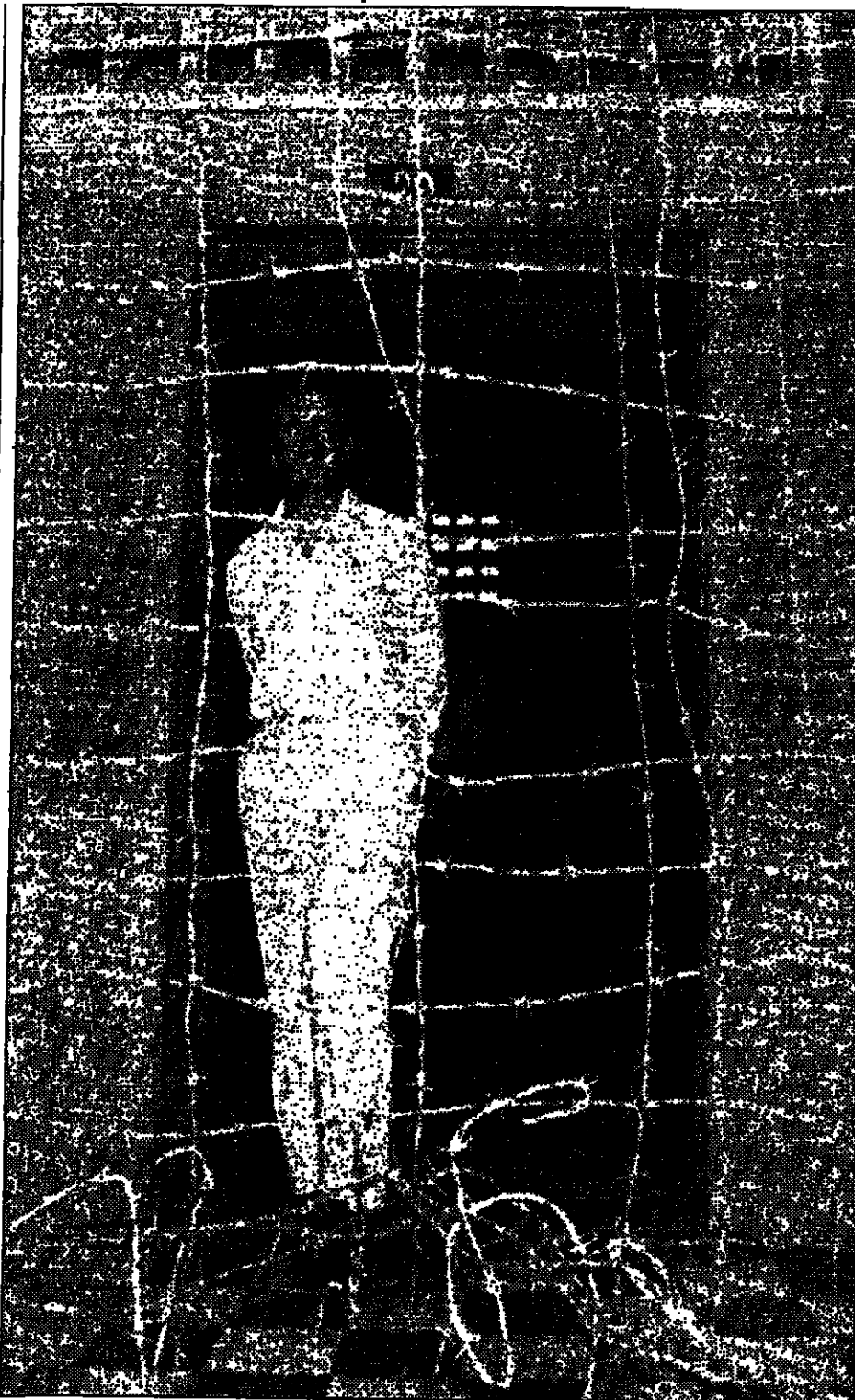
It is clear, however, that the cabinet is some way from reaching a consensus over how the sale should proceed. Mr Rifkind admitted that the white paper, which has already been delayed, would take "a little while longer", although it would come before the general election.

Interviewed on BBC Radio 4's *Today* programme Mr Rifkind said he wanted to see thorough consideration given to the complex plans, adding that ten blue chip companies wanted to offer passengers and freight services for the public and industry. "We are involved in a very major set of proposals that are going to revolutionise our railways," he said.

The government was looking at the various options on passenger services for inclusion in the white paper. "There are no divisions in the cabinet. What is happening is that cabinet government is working properly," Mr Rifkind said.

Mr Prescott said the government should drop its privatisation plans and get on with making the railways work by freeing BR's financial restraints. "It is just a complete mess. They don't know what direction they are going in," he said. "People don't care a damn who owns British Rail, they just want a clean, efficient, reliable system of good quality."

□ Roger Freeman, the public transport minister, again apologised yesterday for suggesting that a privatised British Rail would lay on cheap and cheerful trains for typists. During Commons exchanges in which he was taunted over his words on television, he told MPs that he had spoken "very injudiciously" while trying to illustrate a simple point.



Lord Caithness, minister of state at the Foreign Office, visiting Toul Sleng, a school used by the Khmer Rouge as a torture and interrogation centre. Lord Caithness, the first British minister to visit Cambodia for more than 20 years, yesterday announced a doubling of aid.

The minister said the horrors of the Khmer Rouge rule must never be allowed to return to Cambodia. Up to 16,000 people passed through Toul Sleng, now called a "genocide museum". Two Britons were tortured and killed there after bogus confessions that they were KGB and CIA agents.

Last year a UN-brokered peace accord

between the Phnom Penh government and three opposing armed factions, ended decades of civil war. Britain is to provide an extra \$10 million (£5.5 million) to build a bridge linking Thailand and Cambodia to facilitate repatriation of 350,000 refugees along the Thai border, in addition to £5.5 million promised when Lord Caithness signed the Paris peace accord for Britain last October. British aid includes the construction of four out of six transit centres for returning refugees.

Lord Caithness leaves Cambodia today for Bangkok, where he will hold talks with Sadako Ogata, the UN High Commissioner for Refugees.

Pact may threaten peace in Ulster

By SHEILA GUNN, POLITICAL CORRESPONDENT

TALKS between Conservative leaders and Ulster Unionist MPs about a possible post-electoral pact could destroy any prospect of fresh peace talks, the Liberal Democrats' spokesman on Northern Ireland, Lord Holme of Cheltenham, said yesterday.

As Peter Brooke, the Northern Ireland secretary, attempts to revive talks on the future of the province, Lord Holme appealed to him not to lend his authority to any "seedy manoeuvring" by Conservative Central Office about concessions to the Unionists in the event of a hung Parliament. "It will be a disaster of the first magnitude if party politics by the Tories derail the peace process in Northern Ireland," he said.

If the nine Unionist MPs calculated that they could get their own way better by a backdoor deal with a panicky Tory machine, peace talks would not resume and the daily chronicle of savagery and bloodshed would continue, Lord Holme said. "The government really must decide whether it speaks for Britain or its own short-term electoral interest." He committed the Liberal Democrats to playing no part in any arrangement by the incoming government which could prejudice the peace process.

James Molyneux, the leader of the Ulster Unionist MPs, also confirmed that his party was not prepared to make any deals with the Tories or Labour if they were elected without an overall majority. However, they could hold the power to force another election.

After talks with Mr Brooke yesterday Mr Molyneux said his party's stance and accepted that the Ulster Unionists could expect to be courted by an incoming minority government. In the event of a hung Parliament the party would "decide in the interests of the people of Northern Ireland, from time to time, whether we should terminate the life of the new Parliament prematurely."



Britain pushes for safe ships

Britain may impose higher standards for cross-Channel ferries ahead of other countries after a disagreement on timing, Patrick McLoughlin, the shipping minister, said in the Commons yesterday. Mr McLoughlin told MPs that the government was pressing for early implementation of safety recommendations for roll-on-roll-off ferries in discussions with the International Maritime Organisation. Under pressure from both sides for rapid improvements in ferry safety, he said: "If we cannot get agreement, we may well look to take unilateral action in the UK alone."

Terry Davis (Labour, Birmingham, Hodge Hill) said it was five years since the loss of the *Herald of Free Enterprise* but would be another seven before everyone would cross the Channel as safely as possible.

MPs to play by the book

New MPs are to be given a handbook giving guidance on such topics as the work and responsibilities of departments of the House of Commons and the general services at members' disposal, John MacGregor, leader of the House, said in a written reply.

Arms pledge

The government is considering whether it can help the former republics of the Soviet Union with money and technological aid to dispose of nuclear weapons, Lord Cavendish of Furness, a government spokesman, said in the Lords.

Warm words

Under the improved arrangements for cold-weather payments in November, 1,424,671 people have received payments so far this winter, Nicholas Scott, social security minister, said in a written reply.

Training aid

Virginia Bottomley, the health minister, announced spending of £98 million to help train nurses yesterday. She said in the Commons that the money would go to the training system Project 2000.

Parliament today

Commons (2.30): Questions: Employment; prime minister. Debate on nuclear defence. Lords (2.30): Further and higher education bill, report, first day.

Secrecy campaigners challenge ministers

By PHILIP WEBSTER

FREEDOM of information legislation could emerge as a key bargaining card in inter-party negotiations in a hung Parliament, after the latest campaign for a bill was launched at Westminster.

The Freedom of Information Campaign yesterday published the names of senior cabinet ministers who supported its cause before taking office, as the Liberal Democrat MP Archie Kirkwood presented his bill, which will come before the Commons on Friday week.

The last bill, introduced by Richard Shepherd, Tory MP for Aldridge-Brownhills, was

home secretary, Sir Patrick Mayhew, the Attorney-general, Malcolm Rifkind, the transport secretary, and Archie Hamilton, the armed forces minister, as having once supported the principles of their campaign. Mr Baker, it said, was one of seven MPs who sponsored a bill similar to Mr Kirkwood's in 1979. It quoted Sir Patrick as saying in 1979 that he hoped a public right of access to official information would prove practicable. Mr Lamont, it said, was once vice-chairman of a body called the all-party parliamentary committee for freedom of information.

Mr Shepherd said yesterday that he thought there was a majority of Conservative MPs who would support freedom of information legislation. The Labour leadership has given a commitment to introduce freedom of information legislation early in a new parliament.

It is clearly an area on which the Liberal Democrats and Labour could find speedy agreement in any post-election talks. Some Tory MPs believe the government will be anxious not to close the door completely for that reason.

Information which could be revealed if the bill became law would include results of tests showing the effectiveness of brakes and exhaust pollution controls, results of safety tests on medicines and the findings of fire inspections at rail stations.

Maurice Frankel, the campaign director, said: "The home secretary, Attorney-general and Chancellor are the cabinet ministers most closely responsible for any decision on freedom of information legislation. The current ministers all previously declared their support for such legislation. Now they are in a position to do so, we are entitled to ask them to act on their principles and support the bill."



Kirkwood: seeking new law on information

killed off after Margaret Thatcher, then prime minister, ordered an unprecedented whipping campaign against it.

Time constraints mean that Mr Kirkwood's bill has no chance of reaching the statute books, but MPs will be watching closely for any softening in the government's attitude. There is support for a bill among Tory MPs and ministers. Mr Kirkwood's bill would create a public right of access to records of government departments and public authorities. Information harmful to interests such as defence, law enforcement or privacy would not be disclosed.

The information campaign named Kenneth Baker, the

Government charity begins at Cracow

By NICHOLAS WOOD, POLITICAL CORRESPONDENT

THE employment department intervened yesterday in the future of the troubled steel industry by announcing that it was despatching a team of Whitehall officials and training experts from Sheffield to help redundant workers find new jobs.

After Labour's angry protests last week's about alleged government inaction in the face of British Steel's decision to close Ravenscraig, Scotland's last steel plant, the government's move might have been greeted with the grudging approval of the Opposition.

Far from it. Cries of "shame" rang out in the Commons from the Labour benches as one of their MPs told the House of ministers' attempts to bring relief to a

depressed region of the country. The problem, as Dr John Reid, MP for Motherwell, hastened to point out was that the country in question was a "far off" place called Poland. He claimed that Michael Howard, the employment secretary, had added insult to Scottish injury by calling in a consortium led by the Sheffield training and enterprise council to bring relief to jobless steelworkers in Cracow while ignoring demands for assistance closer home.

Mr Howard said that the team would help to provide a skilled and flexible workforce ready to meet the needs of the rapidly changing economy.

As Ian Lang, the Scottish secretary, sought to repulse a renewed Labour assault in the Commons, Dr Reid sug-

gested that the economy most in need of change was Lanarkshire, where unemployment stands at nearly 12 per cent and 15,500 jobs are at risk because of the planned closure of the plant in September. Mr Lang was presiding over the "most odious betrayal" in modern Scottish industrial history.

As the Sheffield team flew out on their mercy mission to 40,000 workers at the Lenin Steelworks in Nova Huta (literally "new steel plant"), a town of 100,000 people on the outskirts of Cracow, the spokesman explained that the government was earmarking £90,000 for the project far pledged to help revive the economies of Eastern Europe and the former Soviet Union.

At the Polish embassy, Janusz Dubzynski was not inclined to mourn the rundown of the Lenin plant. He said it had been a "gift" from the Soviet Union in the 1950s and had been out of date even then. "It was transferred from the Soviet Union, but the technology was based on United States technology in the 1930s."

In the Commons, Mr Lang insisted that Lanarkshire's plight was not being overlooked. An enterprise zone backed by £50 million of government money would be set up once the European Commission gave assent. In addition, it had "an extensive commitment" to training and retraining in the area. It was spending £40 million on 6,000 training places.

Poll tax forecast

By JOHN WINDER

THE average poll tax charge in Wales in 1992-3 ought to be £118, reduced to £100 after doubling of the special government relief.

David Hunt, the Welsh secretary, outlined his settlement to the Commons and couched his forecast with a threat, conveyed in writing, to local authority leaders that he would not hesitate to use his charge-capping powers to curb any authority which set what he considered an unreasonable budget for 1992-3.

He said that the Welsh community charge figure he was forecasting was less than half the equivalent figure for England and £3 less than the average charge set by Welsh authorities in the present financial year.

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Scientists make a meal out of the good life

FOR those who enjoy the sight of health experts squabbling over what is good or bad for you 1992 already looks set to be as entertaining as last year.

Expert approval was given in 1991 to some much maligned pleasures, including wine, animal fats, eggs, milk and cheese, and smoking. This might have added to public confusion but it also delighted those who had become tired of being endlessly lectured at and about the breakfast table.

Already this year a distinguished professor of clinical biochemistry has written, typically in the *Federation of Bakers' Bulletin* of the benefits of white bread. That, for whole-meal lovers, is the rather bland stuff like damp cotton

To the delight of cynics, experts keep arguing over what is healthy. Nick Nuttall reports

wool which makes excellent toast. Vincent Marks, professor of clinical biochemistry at Surrey University, says that it could be particularly healthy for young, fatty, eaters.

Brown bread, which is full of fibre, may be prized by health advisers and the elderly, whose bodily functions require assistance. For children, however, brown bread's bulk can mean that it fills them up before they have eaten enough calories.

Professor Marks' comments have, predictably, butted heads with the healthwatchers. Nevertheless the wrangle highlights a trend last year towards questioning the received wisdom on healthy living.

Several scientific reports linked habitual moderate drinking with a reduction in the risk of heart disease. One, from New Zealand, found that people who took as many as eight drinks a day had 40 per cent less chance of heart disease. An American team found that red wine appeared to cut levels in the blood of a cholesterol linked with hardening of the arteries.

A Medical Research Council-funded study in Wales linked a diet rich in milk with a drop in the risk of heart disease, while a Finnish study indicated that men on low fat diets and healthy life-styles were more likely to die sooner than men who stuck to the bad old ways.

There was also an American man aged 88 who, despite eating up to 30 soft-boiled eggs a day for at least 30 years, had remarkably low cholesterol levels. And Dutch scientists said the nicotine in cigarettes might help to keep Alzheimer's disease at bay.

"So should we ignore everything experts say about health and diet? Probably not. What is clear is that everyone is different and that some well publicised pieces of research can highlight this."

Eventually genetic research will allow health advisers to tailor their advice much more finely. This research should explain why the 30 eggs-a-day man seems immune to a high cholesterol diet.

Until then it would seem wise to heed the main body of generalised research that links such items as cigarette smoking with a greater risk of lung cancer and high animal fat diets with a higher risk of heart disease.

But that advice should not be delivered as though it is an absolute truth, but tempered with good sense. If some parents are shoving too many health foods down their children's throats at the expense of enough calories, then a little "unhealthy" white bread will do more good than harm.



Cutting a dash: the Sandringham gamekeepers at Crufts with the Duke of Wellington, centre, the Kennel Club's vice-president. From left, Simon Owen, Adam Sherston, Glynn Evans and Derek Paton

Keepers trigger a return to style

By ALAN HAMILTON

NEVER mind the dogs. There should have been a trophy at Crufts at the weekend for two-legged turnout, and it would have been won hands down by a team of the Queen's gamekeepers from Sandringham who paraded the royal gundogs.

The 28 royal keepers at Sandringham and Balmoral wear the traditional outfit of Burleigh tweed hat, tweed jacket, waistcoat, plus-fours and brogues. What distinguishes them is the Balmoral tweed, exclusively woven for and worn by the royal family and their estate staff.

Every shooting day, and on special occasions, the keepers turn out immaculately dressed in the blue-lavender tweed. Their trousers are tucked into fawn socks above highly-polished brown brogues. The cloth is supplied by the London woollen merchants John G. Hardy, and is made up by several tailors who hold the royal warrant for field wear.

The hard-pressed Scottish woollen industry is hoping the weekend television appearance of the royal keepers, who are rarely exposed to such a wide audience, will encourage a

return to the old custom of kitting out estate staff in a distinctive local check.

Today's Balmoral tweed, an exceptionally sturdy 24oz material, was designed in 1937 by King George VI to reflect the colours of the countryside. According to Julia Scott-Barrett, marketing director of the Scottish woollen industry's trade association, some large estates still employ their own exclusive design and guard it jealously. "Eighteen months ago one Scottish mill making an old check design for the commercial fashion industry was asked to stop by the family who originally owned it. The patterns are more exclusive than tartan, which anyone is entitled to wear."

Gamekeepers are as fashion-conscious as anyone. Colin Blanchard, of the British Association for Shooting and Conservation, said yesterday: "They are proud of their uniforms; they will wear it at a game fair even on a sweltering July day."

Country clothes have been taken up by townies, and are now widely regarded as high fashion. Even Neil Kinnock has a Barbour.

Two pay the price of pleasure

Peking. Two men who stole money and gold from temples in southern China and spent the proceeds on gambling and wild nights in brothels have been executed, an official newspaper said.

Li Zhenqin and Zhou Tugui were killed on December 24 after a mass sentencing rally in Shanghai, the *Nanjing Daily* reported. The two had preyed on monks and nuns, stealing 5,400 yuan (£500, HK\$8,000, \$500) and gold ornaments.

Executions are usually carried out with a bullet to the back of the head. (Reuters)

Cab warfare

Paris. The capital's notoriously hard-to-find taxis will make themselves even scarcer today, when drivers stage a 24-hour strike against the finance ministry's proposed fares. (Reuters)

Statue stolen

A rare statue worth £20,000 has been stolen from a fountain at Wilton House, the Earl of Pembroke's Wiltshire home, after thieves broke the bronze of a woman with long hair from its plinth.

Surf's up

Brisbane. Big seas washed away large chunks of Queensland's tourist beaches as warnings were cancelled over Cyclone Beisy, which has weakened to a severe tropical depression and moved farther out to sea. (AFP)

Fighting flab

Singapore. Singapore has launched a battle against the bulge, from toddlers to national servicemen. The government is concerned that a more people are becoming obese at a very young age and has launched anti-flab campaigns. (AFP)

Black Rod bows out

Air Chief Marshal Sir John Giggell, who summons MPs to the Queen's Speech at the state opening of Parliament, retired last night after seven years as Gentleman Usher of the Black Rod. He is succeeded by Admiral Sir Richard Thomas, former Deputy Supreme Allied Commander in the Atlantic. Lord Waddington, leader of the Lords, told peers he was responsible for "many mundane but crucial affairs, including dusting and vacuuming of the House."



Patsy Kensit, the 23-year-old actress and pop singer, yesterday won a High Court ban on topless pictures appearing in *The Sun* newspaper. Miss Kensit, who appeared nude in *Lethal Weapon 2*, was not in court when Mr Justice Ferris imposed the ban until a full trial, if necessary. The newspaper did not oppose an injunction after Miss Kensit

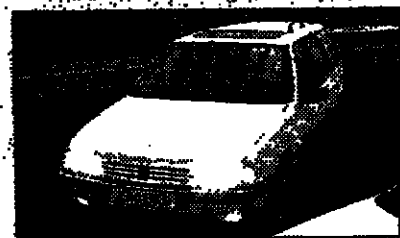
said the 1987 photographs were for private use.

A cleanup crew removing debris have found the diamond wedding ring that Leslie Sosenick and her husband, David Wangness, searched for in vain after bush-fire destroyed their home in October. "It was my happiest moment since the fire," said Sosenick, aged 37. "I'm not letting it out of my sight again."

Warren Beatty, Nick Nolte and Anthony Hopkins are even-money favourites for best actor at the Academy Awards on March 30. Beatty's picture, *Bugsy*, tied with Oliver Stone's *JFK* as even favourite for best picture, and Jodie Foster, Hopkins' co-star in *The Silence of the Lambs*, as even favourite for best actress, ahead of Laura Dern (*Rambling Rose*) at 6-5.

Sue Seddon, the former champion sidesaddle rider from Borrowby, near Thirsk in North Yorkshire, is back in action after breaking both collar bones, a vertebra, ribs and her jaw. Yesterday she was out practising on Fred, the five-year-old gelding, hoping to regain the title lost at the Nottingham two-day event in 1990. "Fred and I are determined to win it back this year," she said.

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A year after the Gulf war began, The Times this week assesses the repercussions. Today: the human cost

Hundreds still suffer from stress

By MICHAEL EVANS, DEFENCE CORRESPONDENT

A YEAR after the allied offensive began to oust Iraqi forces from Kuwait, stress and trauma are still affecting the lives of hundreds of the 43,000 British servicemen and women who took part. But training and the presence for the first time on the battlefield of psychiatric teams providing instant treatment for soldiers suffering combat stress and shock helped to limit the number.

The Ministry of Defence is aware that the clinical condition of post-traumatic stress disorder can materialise months, if not years, after a war. However, a year after the Gulf war the number of diagnosed cases is believed to be small compared to the size of the British military presence. In July, the ministry said there were 80 soldiers receiving treatment for stress. But hundreds are known to have suffered some form of treatable stress, victims of post-traumatic stress syndrome, in the past 12 months.

The Soldiers', Sailors' and Airmen's Families Association has had to deal with a 50 per cent increase in the number of servicemen needing counselling. "Provided it is spotted early on, those suffering from the stress syndrome can be helped fairly easily but anyone with post-traumatic stress disorder we pass on to psychiatrists," a spokesman said.

Barry Lloyd, who helped to form the nationwide Gulf Families Crisis Line last April, said yesterday he believed that the anniversary would trigger nightmare memories for many. He expected the number of stress cases to multiply.

So far, about 2,500 calls have been made to the help centre in Withington, Gloucestershire, and 650 families have received counselling. The most persistent

symptoms of stress, according to Mr Lloyd, have been emotionalism, marital breakdowns, depression, aggression and alcohol abuse. There were three known cases of suicide.

Mr Lloyd, aged 43, who had a son and an uncle fighting, claimed that many servicemen and their families came to seek his help because they did not want to admit to suffering stress to their units. "The problem is much greater than the defence ministry seems to think."

However, the ministry said that during and after the war commanders were fully aware of the risks of stress, and immediate steps were taken to deal with known cases. A ministry spokesman said it was sometimes difficult to gauge "whether a problem involving a Gulf veteran was definitely related to his experiences in the war".

Stasiu Labuc, a combat stress expert who worked for 14 years in the defence ministry assessing soldiers for hazardous duties, said: "The great fear for the servicemen in the Gulf was the unknown. They didn't know what Saddam [president of Iraq] was going to throw at them. But they were highly trained and well supported back home, so their morale was high and that was crucial."

For the RAF pilots and navigators who became prisoners of war and suffered torture, the anniversary will be a grim reminder. Flight Lieutenant David Waddington described his experience: "Sometimes they'd beat me to the stage where I'd go unconscious. Then I'd come round and they'd ask me another question and beat me up again, blows to the head, the back and legs."



Human wave: about 30,000 Iraqis fled to Jordan last year and most are unable to get visas to travel elsewhere or return home

Tel Aviv suburb plasters over scars

FROM RICHARD BEESTON IN RAMAT GAN

HARD as it is to imagine driving through the bustling streets of Ramat Gan, fear and chaos reigned a year ago in this middle-class Tel Aviv suburb.

Last January one of the first Iraqi Scud missiles of the Gulf war crashed into the district, ironically inhabited mainly by Iraqi Jews headed by a mayor of Kurdish Jewish origin before the fighting was over, one man had been killed and another 135 injured in one of the most severely hit areas of the country.

Today, however, there are few physical scars left from the bombardment and no plans to commemorate the anniversary of the Gulf war. Apart from survivors of the Scud attacks, most of Ramat Gan's residents, like Israelis

throughout the country, behave as though the events of last January and February never happened.

"I was with the two other widows of the building, preparing supper, when the air raid siren went off," Yona Pupko, aged 74, said. "I just had time to put on my gas mask when the bomb exploded. All I remember was the sound of water from the burst pipes and the total darkness. I thought every one had been killed until I called out for Regina [a neighbour], and she answered me."

In fact, Mrs Pupko, her neighbours and a pet dog were pulled out safely from the wreckage by Israeli troops within minutes of the

January 22 attack. Despite the two scars left on her back by flying debris, Mrs Pupko counts herself lucky to be among those who are still alive and does not regret her decision to remain at home for the fifth Arab-Israeli conflict she has experienced since arriving from Poland in 1936.

Her apartment, like scores of others in the neighbourhood, bears the signs of recent building work and of being freshly painted white, the results of a government-funded repair and reconstruction campaign which has physically erased the memory of the war through one wall on a building site which still bears the marks of Iraqi shrapnel.

More than any other dis-

trict, Ramat Gan prides itself on the rapid repair and reconstruction work under the command of Eli Sperling, a retired army colonel, who has spent an estimated £20 million on building 55 new apartments to replace those damaged beyond repair and on repairing 4,300 others.

"I sometimes feel we did too good a job," he explained, lamenting the endless phone calls from people jealous of the generous repair work done for their neighbours, or who in a few cases were caught damaging their own property in order to make fraudulent claims for Scud damage.

"Our aim is not only to repair but actually improve the properties, so when people come home they will

not be confronted with the terrible memories of the war but realise that someone cares about them," he said.

Like most Israelis, he is intent on plastering over what is today regarded throughout the country as a two-week nightmare at the start of 1991, when for the first time in history Israel was attacked but did not respond.

"It is quite amazing how quickly the entire issue has been buried," said Miri Zoller, a high-school teacher aged 30. "I do not discuss it with my husband, my friends or my 16-year-old students. People behave as though it never happened. I think we want to forget about it, because it was the first time that we sat at home and did nothing."

Unlike refugees from other wars, the Israelis here are almost exclusively members of the middle class, once the backbone of Iraq's economy. Few look to any hope in the immediate future, beyond next Friday's food line.

Exiles lose all hope

BY CHRISTOPHER WALKER IN AMMAN

REFUGEES

THE tragic human consequences of the war continue to stretch beyond Iraq's borders: outside the Catholic charity Caritas, cold and hungry exiles are regularly to be found standing in a pathetic queue.

"Usually we get 500 coming for rations and blankets to our weekly distribution day, but now because of the terrible cold, that has risen to 1,000," Father Moussa Adeli said. "I never believed one year ago that such a catastrophic situation would exist today."

The scantily dressed and frightened Iraqis (not one would give his or her full name for fear of retribution against relatives) are part of about 30,000 still stranded in Jordan. They are unable to get visas to travel elsewhere and refuse to return home because of fear of retaliation by supporters of President Saddam Hussein.

Father Moussa, a Friar Tuck-like priest in his flowing black cloak, huddled close to a paraffin stove as the Iraqis queued in the bitter cold, desperate for his signature on a chit entitling them to a parcel of rice or pasta.

"Is this humanity, to starve people because they will not overthrow their leader, and drive them to hunt for food?" he demanded. "Does the West not realise that Saddam will probably be in power for another 50 years, yet it is the ordinary people that are suffering?" he said.

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Islamic militants wait for orders from jail

FROM JOHN PHILLIPS IN ALGIERS

ON THE bustling streets of Kouba, one of the main fiefdoms of the Islamic Salvation Front in Algeria, Muslim fundamentalist militants yesterday patiently awaited orders on how to foil the authorities' disguised coup, insisting their instructions would come directly from the movement's jailed hardline leader.

"If circumstances dictate it, we will go underground to continue the struggle clandestinely," said Houssein at his battered shop, a hole in the wall that specialises in selling both children's toys and Islamic tracts. "This is a coup d'etat in disguise," the bearded shopkeeper said, between

visits from veiled mothers buying crossword puzzles and colouring books.

"I don't see democracy at work. What happens now depends on our leaders in prison in Blida. Ali Belhadj and Sheikh Abassi Madani. If they ask us to take to the streets and demonstrate against the army we will do so," added Houssein's assistant, Lyes. "As sympathisers of the FIS, we take orders only from them." Sheikh Madani and Mr Belhadj were arrested and incarcerated at the town of Blida after riots in Algiers last June that left 59 people dead following intervention by the army.

France fearful of refugee flood

FROM PHILIP JACOBSON IN PARIS

THE French political establishment was yesterday torn between the desire to see democracy establish a firmer hold in Algeria and the fear that an Islamic electoral triumph in its former colony would lead to a flood of refugees to France.

While the chief spokesman for the Quai de Orsay, Daniel Bernard, maintained that officials remained "preoccupied" with the situation, and that France is eager to reaffirm its "solidarity" with the Algerian people, the government line seemed increasingly clear — Algeria must solve its own problems.

At about the same time, Philippe Marchand, the interior minister, said that, in the event of an exodus from Algeria by those fearing the establishment of a rigid Islamic state, France would not necessarily be willing to accept all refugees. "The law must take its course, and it is vital to maintain an equilibrium between respect for individual liberties and the risks of immigration," M Marchand

said, noting that opponents of a regime are not automatically entitled to claim asylum.

For M Marchand, who perhaps represents the harder face of French socialism in this respect, it might become necessary for would-be political refugees to prove that they had been persecuted or were at least in danger of suffering discrimination. In any case, he insisted, there was no reason to believe that France would be flooded with asylum-seekers: the government would be "extremely vigilant" about anything which could have "damaging repercussions in France as far as public order is concerned".

What happened in Algeria over the weekend could hardly be seen as a complete surprise to the French authorities. There were persistent rumours last week — never satisfactorily confirmed — that a top-level delegation from the Algerian military had visited Paris to sound out possible reactions among high-level officials to some form of Algerian army coup.

As the call to afternoon prayers rang out over the unmade streets of Kouba, the atmosphere was tense but calm, testifying to the strict discipline maintained within the Algerian fundamentalist movement. "People say the FIS is a totalitarian organisation," Houssein said. "But it is the party in power that is totalitarian. All we want is an Islamic state."

It is storekeepers like these, rather than the unemployed youths in the big cities, many of whom also voted for the front, who provide the fundamentalist machine with much of its funds. On display between Disney games are books and tracts with titles such as *Whose turn is it after Iraq? Islam faced with a new world order: The West's pretensions to dominate the planetary destiny, and A healthy concept of fasting*.

While their supporters quietly awaited word on how to react to the turbulent recent events, those leaders of the front still at large began taking steps to thwart a possible new government crackdown against them.

Western diplomats said the front had moved printing and communications equipment out of its city centre headquarters lest it be seized. One diplomat said some arrests had been made among the front's activists but that could not immediately be confirmed. On the road out of Kouba, slogans had been freshly daubed on walls saying: "FIS is the only solution."

A short distance away, only a few visitors wandered around the huge, white Monument to the Martyrs whose centrepiece is a statue of a liberation soldier holding a torch of liberty in his left hand and a gun with fixed bayonet in his right.

At the nearby television station army soldiers with fixed bayonets in camouflaged battledress were deployed.

Michael Binyon, page 12

Pakistan slips nuclear leash

BY BEN WHITAM SMITH

SENATOR Larry Pressler's announcement yesterday, that the Bush administration believes Pakistan now has a usable nuclear device, marks the failure of congressional and presidential attempts to halt Pakistan's nuclear weapons programme. American aid and military assistance to Pakistan has been suspended since October 1990 under legislation introduced by Mr Pressler. The suspension came after President Bush refused to certify to Congress that Pakistan was not developing a nuclear bomb.

Robert Oakley, the American ambassador to Pakistan at the time, says Mr Bush's refusal came in the wake of the collapse of a secret bilateral accord reached in 1989, under which Pakistan agreed to limit its nuclear programme. The accord lasted less than a year; by the spring of 1990 Pakistan was again at work on nuclear weapons, according to Mr Oakley and diplomats in Islamabad, Pakistan's capital.

American conditions for a resumption of aid remain those of the earlier accord. Mr Oakley says: Pakistan must stop producing highly enriched uranium, refrain from making uranium metal, and stop preparing, or holding, uranium components for a nuclear device.

These demands were reinforced during the build-up to the Gulf war, when senior figures in Pakistan's military planned to share with Iran — which might at one point have made common cause with Iraq — the country's extensive expertise in the manufacture of nuclear weapons.

Those plans are outlined in a policy paper backed by General Aslam Beg, Pakistan's then chief of army staff, and circulated among the top leadership of the Pakistan army a month before the outbreak of hostilities.

The policy paper, *Crisis in*



Listening post: Pressler questioned by reporters in Islamabad on Pakistan's nuclear capability

the Gulf 1990, of which The Times has obtained a copy, advocates a policy directed at provoking a reaction against the deployment of Western forces in the Middle East, and concludes with a call for Pakistan to declare its nuclear bomb, saying: "Let us now lead the Muslim world as a nuclear-weapon state."

The paper comes close to identifying Pakistan's nuclear programme with the production of an "Islamic bomb." Suddenly anti-American, it describes Mr Bush's talk of a new world order as the "new face of mercantile colonialism."

An American State Department analyst described *Crisis in the Gulf 1990* as a worrying reflection of the thinking among influential sections of Pakistan's establishment. That outlook, however, dismisses Nawaz Sharif, Pakistan's prime minister. Acutely aware that his country's economy depends on loans from American-dominated agencies, he has fiercely resisted pressure to adopt the policy

paper's recommendations. But he has not been able to resolve the bruising conflict with America over Pakistan's nuclear programme. He has little room for manoeuvre. The nuclear programme is very popular and many Pakistanis see it as a symbol of their nation's maturity. Some opposition elements believe any deal with America that forecloses Pakistan's nuclear option would offer them the opportunity to start street agitation against the government.

But it is the military's attachment to the programme that most ties Mr Sharif's hands. According to Shireen Mazari, director of the department of strategic studies at Quaid-i-Azam University: "The faction within the army that espouses a tough stance against Washington has grown in strength since the suspension of aid. They are more convinced than ever that the US cannot be trusted, and that the nuclear option is the only guarantee of Pakistan's security."

Israel sees early end to impasse

BY MARTIN FLETCHER IN WASHINGTON AND OUR FOREIGN STAFF

DAVID Levy, the Israeli foreign minister, said yesterday there could be a breakthrough within hours in the impasse over Palestinian representation at the Middle East peace talks.

"The Palestinians have tried to change the game and the system," Mr Levy told a joint press conference in Lisbon with his Portuguese counterpart, João de Deus Pinheiro. Portugal currently holds the presidency of the European Community. Mr Levy added: "But for my part I am optimistic and think we may see a solution in the next few hours... I don't think we will get to Thursday without resolving the problem."

Negotiators at the talks, which resumed yesterday in Washington, have only three days to settle a dispute over the status of the joint Palestinian-Jordanian delegation. The Israelis say that they intend to leave Washington on Wednesday evening.

Arab negotiators say that the talks, inaugurated in Madrid last October, should be based on twin-track negotiations between Israel and Jordan and Israel and the Palestinians. But Israel is resisting Palestinian demands for recognition as a separate delegation when discussing Palestinian issues.

In a further indication of progress, the Israeli, Palestinian and Jordanian delegations chiefs summoned their full delegations to join them in Washington. First the heads of the Israeli and joint Palestinian-Jordanian delegations agreed to meet in a State Department conference room and not on the corridor sofa where they talked about talks for an entire week last month. After 75 minutes of discussion they then summoned their full teams to the department, though not straight into the conference room.

An Israeli source confirmed: "We are moving forward... we are close to reaching some kind of an agreement." The official said that the heads of the delegations were not discussing new proposals but were "mostly working nuances".

The Israelis arrived in Washington last Monday, but the Arab delegations postponed their arrival until late last week to protest against the threatened Israeli deportation of 12 Palestinians from the occupied territories.

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Iraqi ambassador asks for asylum

FROM REUTERS IN THE HAGUE

THE Iraqi ambassador to The Netherlands is seeking asylum in the country, a Dutch foreign ministry spokesman said yesterday. The ambassador has asked whether he can stay in the Netherlands. At the moment he is here on a diplomatic visa, she said.

Safa Salih al-Falaki said he had resigned and had asked to stay here because of President Saddam Hussein's repression of the Iraqi people. The people of Iraq... are under a very brutal dictatorship," he said. "I think the president himself is responsible," he added.

Mr al-Falaki said he had told the Iraqi government of his resignation and had explained the reason. He said he wanted the international community to help the Iraqi people by any legal means to establish a democratic government in Iraq.

The foreign ministry spokesman said: "The Dutch government is giving it [the request to stay] positive consideration."

Price shock opens rift in the ranks of Yeltsin allies

FROM MARY DEJEVSKY IN MOSCOW

THE economic disaster facing Russia's state trading sector has returned to the top of the political agenda here, threatening a damaging split in President Yeltsin's support and even his holding of the office.

Speaking to a group of visiting Italian senators yesterday, Russian Khasbulatov, the chairman of the Russian parliament, accused Mr Yeltsin's government of lack of foresight and professionalism, and suggested that it should resign or risk being in a state of permanent conflict with parliament. He later repeated his attack at a meeting of the parliament's praesidium (standing committee) and told of nationwide gloom over the effects of recent price liberalisation.

Mr Khasbulatov, like Mr Yeltsin, has just returned from a visit to the provinces, which deputies and Muscovites described scornfully as their leaders' first fleeing brush with post-Soviet reality. Both men were said to be shocked, not only by the soaring effects on prices of liberalisation introduced on January 2, but by the continuing shortage of supplies in the shops.

The Russian parliament, in the person of Mr Khasbulatov, and the government, represented by Gennadiy Burbulis, the first deputy premier, and Yegor Gaidar, the deputy prime minister, have for a considerable time been potential opponents and rivals. All are Yeltsin appointees and regarded as his loyal allies, but they sometimes differ in what they believe to be good for Mr Yeltsin and for Russia.

On economic policy, the Burbulis-Gaidar axis stands for a painful rush to the market, recognising that there will be victims. Mr Khasbulatov, although also market-orientated, must keep half an eye on his parliamentary deputies and the hardship they report from their constituencies. Yesterday the two sides appeared to be drawing apart. Mr Yeltsin, if he is to continue to introduce economic reforms by constitutional means, needs both his single-minded reformist government and parliament on his side.

Public confidence is also a factor. Although fewer than 10,000 people turned out in Moscow on Sunday for a rally organised against Mr Yeltsin and political reform by com-

munists trying to use the needy in their own political interests, there were many in Moscow, and probably further afield, ready to believe the initial and quite wrong figure of 50,000, reported by Tass. State television, supposedly now under full Russian control, also misled its viewers. No aerial pictures were transmitted, only ground shots which exaggerated the size of the crowd.

This may have been merely a technical oversight. None the less, such coverage suits headline lobbyists who, to encourage unrest elsewhere in the republic, would like to give the impression that Moscow is in constant turmoil. Well before price liberalisation came into effect, hardliners from the former Communist party and central administrative structures campaigned to foment street protests in the hope that Mr Yeltsin's position would become untenable.

Since that first campaign failed, the have-been biding their time, waiting for public patience to snap and hoping for new alliances to emerge to strengthen their position. Mr Khasbulatov's outburst yesterday will strengthen that hope.

So far the initiative is still with Mr Yeltsin. Russian reporters who travelled with him last week say his popularity has been unaffected by the price liberalisation. Everywhere he went, they say, people insisted that they still supported him. Either they accepted that painful economic reform was necessary, or they separated Mr Yeltsin from the policies of his government.

The fact that none of the blame for the price liberalisation was laid on Mr Yeltsin personally means that he can afford to support his reformist government and press on. He can only press on, however, if his reformist will is not weakened, after what was clearly a harrowing visit to the provinces.

Some of those who accompanied him last week said that he had been visibly shaken by the effects of the price liberalisation and had complained that he had been misinformed about its likely effects. They suggested that he might be tempted to slow down or even backtrack. Mr Khasbulatov's challenge to the government yesterday will hardly do anything to stiffen his resolve.



Street enterprise: a Russian selling home-made wine on the streets of Moscow yesterday, where official prices have trebled this year

Belgrade condemns Vatican for recognising breakaway states

BY TIM JUDAH IN BELGRADE AND OUR FOREIGN STAFF

THE Vatican yesterday announced that it was recognising Croatia and Slovenia two days before European Community countries decide on recognition for the Yugoslav republics.

Announcing the decision, which brought an immediate protest from the Yugoslav foreign ministry, a spokesman for the Holy See said a message had been sent to Belgrade explaining that it should not be seen as a "hostile act". But only a few hours later Milan Veres, Yugoslavia's deputy foreign minister, was quoted by the state news agency, Tanjug, as saying the move could jeopardise peace prospects and the latest truce. Belgrade would take the "necessary steps" against the Vatican.

The Vatican's action is no

surprise, as both Croatia and Slovenia are overwhelmingly Catholic. However, in what may well be a precedent for the EC the Holy See did not extend recognition to Bosnia-Herzegovina and Macedonia, which have also requested it.

Over the last few months Serbia has launched a fierce propaganda campaign against the Vatican, claiming that it has been working in tandem with "fascist" Germany and Austria to destroy Yugoslavia and aid a "new genocide" of Serbs living in Croatia. Serbs are constantly reminded of the so-called "ratlines" by which the Vatican allegedly aided prominent Croat fascists to flee Yugoslavia after the second world war. Germany, Sweden and Iceland are so far the

only other Western countries to have recognised Croatia and Slovenia.

Vasil Tupurkovski, a senior Macedonian politician, claimed yesterday that the EC's arbitration commission, which has been studying recognition applications from four out of the six Yugoslav republics, was looking "favourably" on Macedonia's request. However, as no EC countries has yet said it will recognise Macedonia or Bosnia-Herzegovina, there is growing speculation that their requests will be put on ice pending the outcome of an overall Yugoslav settlement.

Gianni De Michelis, the Italian foreign minister, has said that "problems" have arisen over Macedonia and Bosnia, and Francisco Ordoñez, the Spanish foreign minister, said on Sunday that it was "highly unlikely" that the two would be recognised tomorrow.

Last week Serbs in Bosnia-Herzegovina announced that they were to found a "Republic of the Serbian People" in Bosnia, but also said they would not begin to implement their decision until either Muslims and Croats in Bosnia began implementing their own declaration of secession from Yugoslavia or until Bosnia received international recognition. Serbs make up some 31 per cent of Bosnia's population, Croats 17 per cent and Muslims 44 per cent.

While Bosnia is a historical unit, EC foreign ministers will be mindful that the request for recognition comes

only from Croat and Muslim leaders and many fear that independence will be the trigger for war in the republic. They may also remember that former "Bosnian questions" helped to set off the first world war.

Resistance to recognition of Macedonia has come from Greece, which has said that it will only recognise the republic if it changes its name. The Greek government has contended that because its own northern province is called Macedonia it cannot contemplate an independent state next door with the same name, because this would "conceal future claims against Greece".

Over the weekend this question led to a public disagreement with Bulgaria, which used to entertain its own territorial pretensions towards Macedonia. The present Bulgarian position is that Macedonia can call itself whatever it likes, but that Sofia will not recognise the separate identity of the Macedonian people because it considers them to be Bulgarians.

The Macedonian case is also complicated by the fact that the republic has a large Albanian minority who voted on Sunday in a referendum on autonomy.

An advance party of 55 UN liaison officers will arrive in Yugoslavia today, and their assessment of the situation on the ground will be crucial in determining if and when the projected 10,000-strong UN force should come.

Diary, page 22

China brings back Mao to big screen

FROM REUTER IN PEKING

MAO Tse-tung, the revolutionary founder of Communist China who died in 1976, is again being cast as the leading man in the country's cinemas. Chinese film companies are preparing a string of blockbusters for the 1992 season about his life, the Shanghai newspaper, *Wenhui*, said yesterday.

Film fans will be able to choose from *Our Leader Mao Tse-tung*, *Mao Tse-tung and Chiang Kai-shek in Chongqing*, *Mao Tse-tung in Yan'an*, *History Chose Mao Tse-tung*, *Mao Tse-tung*

and *Chou En-lai and Mao Tse-tung in the Year 1927*.

Mao will also appear in films centring on other Communist heroes, including Deng Xiaoping, China's current paramount leader, the paper said. "The government gives every encouragement for these films, and party and national leaders often appear at the premieres," it said.

The Chinese film industry last year began resurrecting Mao in an effort to renew popular interest in the country's revolutionary history after the pro-democracy unrest of 1989.

Kenyan rebels released on bail

Nairobi: Two Kenyan politicians charged with spreading "malicious rumours" that President Moi was to stage a coup in order to end the country's move towards democracy appeared in court and were released on bail (Sam Kiley writes). Two other opposition figures were arrested yesterday.

Joseph Katanja, a former vice-president, and Mutu Wamuc, a former MP, were released on bail of about £1,600 each.

Professor Wangari Maathai, the first black woman to win a doctorate in Central and East Africa and a founder of Kenya's environmental movement, was arrested at her home on the same charge after a 24-hour siege by James Orenge, a lawyer, was arrested outside the chief magistrate's court as hundreds of jubilant supporters of the opposition Forum for the Restoration of Democracy staged a brief demonstra-

Salvador offer

New York: Boutros Boutros Ghali, the United Nations secretary-general, proposed sending 1,000 peacekeepers to El Salvador, while government and rebel negotiators worked to agree on an accord to end the civil war. (AP)

EC candidate



Brussels: Egon Klepsch, above, aged 61, an ally of Helmut Kohl, the German chancellor, and the European parliament's longest-serving member, is in line to become the parliament's president. He will serve until 1994. (Reuters)

Stasi informer

Dresden: Wolfgang Berger, the former communist mayor of Dresden, had collaborated with the Stasi secret police, it emerged here. He reported on talks that he had had with the East German opposition. (AFP)

Price protests

Warsaw: Solidarity staged strikes across Poland in protest against energy price rises of up to 100 per cent on gas and electricity.

Black killed

Johannesburg: Molau Lebeta, a black farmworker aged 60, was beaten to death by whites apparently outraged because his dog had been mated by that of a white couple. *The Star* newspaper reported. (Reuters)

Oil explosion

Marseille: An explosion and fire on a partly constructed oil drilling platform injured 28 workers, one critically. Unconfirmed reports said that a leak of propane gas during soldering work may have been responsible. (AP)

Market rules

Ulan Bator: After 70 years of Marxism, Mongolia has passed a new constitution rejecting communism and enshrining democracy and a market economy. The constitution also guarantees freedom of speech. (Reuters)

Chad killings

Ndjamena: Police in Chad killed ten people in raids on their homes last week, sources said. France condemned the executions and said its support for the government "depends on its pursuit of the democratic process". (AFP)

Korean pact

Seoul: Chung Won Shik, the South Korean prime minister, signed a pact with North Korea declaring the peninsula free of nuclear weapons. The two Koreas will exchange signed copies of the accord today. (Reuters)

Jail break-in

Youngstown, Ohio: An escaped prisoner charged with killing four men surrendered after breaking into a jail with two accomplices, all dressed as policemen, allegedly to kill witnesses to the earlier shootings, police said. (AP)

Russia offers Mars boost to America

BY NICK NUTTALL, TECHNOLOGY CORRESPONDENT

RUSSIA yesterday offered to share its secret space technology with America, claiming that its rocket expertise could cut the flight time to Mars by more than half.

At the L.V. Kurchatov Institute of Atomic Energy in Moscow, engineers have been developing a nuclear-powered rocket that could get people to the red planet and back in a year. A trip using conventional rockets would take about two and a half years, an American report published last year estimated. The Russian rocket is being offered by the re-

the Moscow institute who is attending the space nuclear power symposium which is being held in Albuquerque, New Mexico, this week.

The nuclear rocket, which is claimed to be twice as efficient as chemically fuelled space engines, pumps hydrogen into the rocket's reactor core. This is heated to very high temperatures, of approximately 2,400C to 3,000C (4,300F-5,400F), before being fired through a nozzle to propel a spacecraft forward. The Russians claim that they have also developed special heat-resistant alloys

Whether the Russian proposal is given any consideration will depend on the cost of the rocket and on how rival American nuclear engines might perform. Yesterday, the US Air Force was expected to disclose details of its own nuclear rocket.



Showing her hand: Aileen Wuornos, who has confessed to having shot dead, in self-defence, seven men whom she had picked up on a highway where she worked as a prostitute, appearing at a hearing in Daytona Beach, Florida, yesterday when jury selection began. In Milwaukee, Jeffrey Dahmer, on trial for the murder and mutilation of 15 young men, pleaded guilty but insane. He is also accused of acts of cannibalism.

Miyazawa ally arrested in hospital on bribe charges

FROM JOANNA PITMAN IN TOKYO

FUMIO Abe, a former chief fund-raiser for *kinkoban* and close ally of Kiichi Miyazawa, the Japanese prime minister, was arrested last night on charges of accepting bribes.

Mr Abe, aged 69, who had gone to a Tokyo hospital yesterday morning claiming "physical debilitation", was held after a six-month investigation into allegations that he had accepted more than £350,000 in bribes from Kyowa, a steel company involved in a £30 million fraud case which led to the arrest of its vice-president last July.

The incident could be highly damaging to the prime minister, as Mr Abe

was well known in political circles as Mr Miyazawa's guardian of the coffers. During Mr Miyazawa's campaign last summer to win the leadership of the ruling Liberal Democratic party and the premiership, Mr Abe filled the post of secretary-general, a role traditionally reserved for the *kinkoban*. Such is the level of scandal in Japan at present that the weekly magazine, *Shukan Post*, and other Japanese newspapers have suggested that some of the Kyowa bribery money was used in Mr Miyazawa's campaign.

The alleged bribes are said to have been handed out

while Mr Abe was director-general of the Hokkaido and Okinawa Development Agency between August 1989 and February 1990. The Tokyo district public prosecutor's office believes that Mr Abe extended favours and passed inside information to Kyowa related to resort development projects in northern Hokkaido island.

"The case calls for a review of political ethics," said Mr Miyazawa, whose role in the 1989 Recruit bribery scandal has attracted renewed interest among opposition parties since last month when he ruled out parliamentary testimony by his former secretary

and others. Mr Miyazawa denied the press reports that the Kyowa bribery money had ended up in the Miyazawa family coffers.

Revelations involving Mr Abe's financial dealing include, according to the *Mainichi* newspaper, spending £1,000 a night on dinners and mahjong gambling sessions with actresses.

Mr Abe, who was in custody last night, was reported to be in a fit condition. Members of the Japanese parliament cannot be arrested while the Diet is in session and Mr Abe is said to have entered the Tamai hospital in order to sit out the remaining

days before the next Diet session begins on January 24.

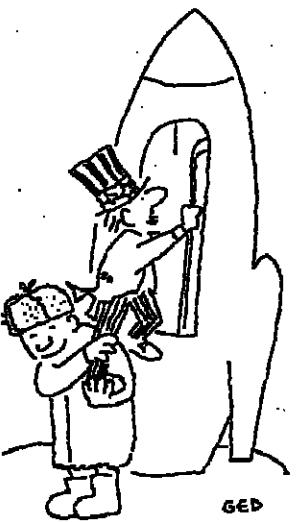
That is a play that has been tried with mixed results in the past. Just as prosecutors were beginning to snap at the heels of Hiromasa Ezoe, the businessman at the centre of the Recruit bribery scandal, he entered hospital in July 1988 with "depression". In November he was judged fit to be questioned from his hospital bed, but in February 1989 his medical defence collapsed and he was arrested in his hospital room.

Yesterday the Japanese government established full diplomatic ties with South Africa in response to Pre-

toria's dismantling of apartheid and introduction of democratic reforms, upgrading to ambassadorial level the consular relations that have existed since 1952.

Michio Watanabe, the Japanese foreign minister, and Alexander Waldemar Kuhn, the South African consul-general in Tokyo, exchanged documents at a ceremony in Tokyo's foreign ministry. President de Klerk is expected to visit Japan later this year.

Last June Japan lifted bans on tourist visas to South Africa and on sports, educational and cultural exchanges. In October Japan lifted economic sanctions.



public for use on the manned mission to Mars which was announced by President Bush in 1989 and is scheduled for 2014.

Test-firings of the rocket, which would be the first to propel rather than just produce electrical power for a spacecraft, have already been made with encouraging results. "Having these positive results, I say let's work together for a common target," said Nikolai Ponomarev-Stenok, the deputy director of

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DANCE

Dying to make them cry

Viviana Durante, one of the young stars of the Royal Ballet, is dancing *Giselle*, the greatest challenge for any ballerina. She discusses the role with Debra Craine

Only a few years ago it seemed the problem with the Royal Ballet was a paucity of homegrown talent within the ranks and a matching failure of the rising generation to progress beyond the adjective of "promising". Today, that paucity has become a surplus and Covent Garden audiences have the pleasure of witnessing the maturation of a new crop of gifted young performers: Darcey Bussell, Deborah Bull, Stuart Cassidy. None, though, has surprised more than the company's 24-year-old Italian-born, British-trained principal dancer, Viviana Durante.

From the moment she shot to attention in the middle — literally — of a performance of *Swan Lake* in 1988, Durante has exhibited an amazing strength and versatility, underpinned by an impeccable technique and a quiet virtuosity, that have marked her out as a potential prima ballerina. In roles such as Manon, Juliet and Nikiya in *La Bayadère*, she has been revealed as a talented dance-actress, while her physical brilliance has been highlighted in abstract ballets by Balanchine and MacMillan. On Saturday for the first time she faces what some regard as the ultimate test for a ballerina: *Giselle*.

Although the ballet is 150 years old, with an old-fashioned heroine and a story which reinforces outdated stereotypes about women, Durante is eager to prove herself in the role of the peasant girl driven to madness and death by the betrayal of her aristocratic lover. "Of course a modern 24-year-old wouldn't react that way," she says, of *Giselle's* forgiving nature. "But I think that's the whole magic of the ballet, because you are bringing people's minds back to the old days, when love was much more romantic."

Swan Lake — with its gruelling 32 *fouettés* turns — may be technically more arduous, but *Giselle* presents a greater dramatic challenge, especially for a young dancer schooled in the anti-Romantic aesthetic of late 20th century ballet. Its ethereal style celebrates the neglected virtues of delicacy and lyricism, while today's audiences demand extravagantly sweeping limbs and rapid-fire pirouettes. Unusually, Durante embodies both styles. "Giselle is hard because the style is so light. You have to be almost not there, just a vision," she explains. "In the second act, where Giselle is a ghost, it is such a wonderful feeling if you can give the illusion that you're a spirit and not real. The character is a challenge, but I find that I am like Giselle because I tend to be very shy and a bit of a loner."

Shyness did not prevent her leaving her family in Rome at the age of 10 to come to Britain to study at the Royal Ballet School — even though she spoke not a single word of English. Although homesick and lonely, Durante persevered, joining the resident company at Covent Garden at the age of 17. Today she considers herself a British dancer, albeit with a foreign personality.

"I don't feel English but I do feel at home here," she says in her acquired London accent. "I'm still 100 per cent Italian and that makes me react differently as a dancer. I'm much more temperamental and I use my body more to express myself like Italians do."

Her professional breakthrough in 1988 came when she stepped in to replace an injured Maria Almeida during a performance of *Swan Lake*. Almeida had collided with a piece of scenery at the end of Act II and was unable to get through the taxing third act. A sudden switch of ballerinas in the middle of the black pas de deux went unnoticed by many in the Opera House crowd. Only an interval announcement before the final act tipped them off that Durante was taking over and performing *Swan Lake* for the first time. She was talked through the part by her partner, learned it in the interval, and completed the ballet with amazing assurance.

It was an astounding display for someone so young; it also led to her becoming a principal dancer in the spring of 1989 at the age of 21. "I always feel quite strange about that incident," Durante says, uncomfortable with the subject. "I just wish Maria had not hurt herself. I feel that sometimes people think that if it hadn't happened then maybe I wouldn't have been a principal. It is a shame that someone has to hurt themselves to give someone else a chance."

Durante made the most of the opportunities that subsequently came her way, including taking over Ashton's *Ondine* from an again indisposed Almeida. Then, a year ago, Durante was called upon with just a few days' notice to replace Darcey Bussell as Irek Mukhammedov's partner in MacMillan's *Manon*; their partnership was an immediate success.

They will be repeating the partnership in *Giselle*, and again in MacMillan's *The Judas Tree*, which receives its world premiere in March. Durante says of the former Bolshoi star: "He's terribly strong and I feel very corny dancing with him. We have an understanding, a chemistry that works. I think it's because physically we are well-



Viviana Durante: "I find that I am like Giselle because I tend to be very shy and a bit of a loner."

matched, and emotionally because he's like me. Sometimes we'll just get angry about something in rehearsal and then, by erupting and getting it over with, we feel so much better."

Media attempts to promote rivalry between her and Bussell, in the wake of the *Manon* affair, are dismissed. "The battle of the ballerinas: it's crazy. There's no such thing. Ballet is not a competition, it's an art and we can both give as much as we have. We are two individuals and it would be nice to be appreciated as two individuals." Still, the temptation to compare

the two is irresistible: Bussell is tall with a thrilling expansiveness to her long limbs; Durante is petite (five foot two) with a radiant command of the stage that belies her size. Where Bussell excels in the physicality of the Balanchine repertoire, Durante is the heroine who dies for love.

"I've always loved watching those dramatic films where there is wonderful love and it ends badly," the Italian says. "I don't know why, it's really weird, like I'm asking for it. But I expect to be taken into another world when I watch ballet. The first time I ever saw *Manon*,

with Jennifer Penney and Anthony Dowell, I was in floods of tears at the end. I was devastated. That's the whole point of ballet."

"I usually don't think about my technique on stage. I just think about giving to the audience. I want people to enjoy it, to be taken with the story. I want to be able to make them cry when it's sad, and make them laugh when it's funny."

● Giselle opens tonight at the Royal Opera House (071-240 1066) at 7.30pm. Durante and Mukhammedov take the leading roles on Saturday at the 8pm performance.

RADIO REVIEW

Signal failures of communication

If I were the controller of Radio 3, then the network would broadcast rather more reggae than at present and the staff canteen would be run by Leslie Forbes. If at Radio 4, I would ask BBC Radio Sussex to quit using precisely the same FM wavelength at the exact same volume: *Gardener's Question Time* in one ear and an interview with Ned Sherrin in the other (this actually happened on Sunday afternoon) is both surreal and oddly appropriate, but it does make it hard to concentrate on either. Being personal and parochial, these considerations neatly mirror the selfishness implicit in all dissatisfaction expressed by real listeners.

All five networks have now pumped out their annual *Call the Controller* pantomimes, and the understanding is that the winners of the prize for best programme for another year. Virtually weeping with good intentions, the controllers assured us that while they had only a finite budget, on the other hand they had a responsibility to spend their vast income wisely: that while they deeply regretted having "rearranged the furniture" of some schedules, on the other hand such changes were widely popular; that whereas over a million homes cannot receive an adequate FM signal, nonetheless other wavebands exist. In other words, lump it.

The beauty of this pluralistic charade is that, since listeners' tastes are various even within the narrow concept of network brand-loyalty, every complaint can be cancelled by its

opposite. Too much contemporary music on Radio 3? (Chestnut time in Langham Place.) No, no — research shows there may not be enough. Too many repeats on Radio 4? But so many listeners like repeats.

The intelligent young man from Wales who tried to persuade Nick Ross and controller Michael Green (Radio 4, Sunday) that the audience size and profile are totally irrelevant was countered with the argument that the BBC will have to justify its charter renewal in 1996. This was a lovely way of omitting to mention the slightly nearer arrival of a national commercial radio.

But such programmes are not entirely ignominious, if only because they identify the ways in which listeners think of themselves. Not one of the callers to Radios 3 and 4 over the weekend apologised for his or her conservatism, which seemed a given. The former audience's complaints were more specific and knowledgeable; many bore the unmistakable twang of the wised-up autodidact. With the latter, the caller had sometimes to be controlled.

Every last one of them referred, if only obliquely, to ageism. These networks are two of the last locations in British life of that impulse to privacy which is traditionally associated with literacy; and since the Olympian paternalism of Lord Reith (accountable only to God) has long been the stuff of fossils, this may be the oddest survival of all.

MARTIN CROPPER

Stage whispers

DESPITE the Gulf War, February snow and the VAT increase that led to higher ticket prices, the West End finished 1991 in reasonable shape, according to figures compiled by City University for the Society of West End Theatre. If 1991's attendances do not match 1990's record, they will equal 1989, despite the failure of some big-budget musicals (notably *Children of Eden* and *Matador*) to sustain long runs.

On the plus side, there were 193 new productions compared with 187 in 1990. Less encouragingly, of 50 West End houses only an average of 37 a week were open during the main tourist months of July and August. The biggest increase was in new opera productions, 47 compared with 37. But only 21 new plays opened last year compared with 30 in 1990.

Hockney again
NO MORE than three years have passed since the Tate Gallery's last big David Hockney exhibition. But in one respect, at least, "David Hockney in Focus", which opens there on March 14, will offer something different. It includes *The Third Love*

Painting, painted by the student Hockney in 1960, and recently bought by the Tate. The painting is notable for its graffiti-like inscriptions, including lines from Walt Whitman. Other Hockneys owned by the gallery will be on display, including *A Bigger Splash*.



Hockney: an early work is now owned by the Tate

Last chance...

PIERO FORNASETTI was the high priest of Fifties design: few who lived through the period can have remained unaware of his endless series of black-and-white plates with faces on them, even if the name was unfamiliar. Looked at again in retrospect, thanks to the show at the Victoria and Albert Museum (071-938 8441), he seems more like the first postmodernist, using the details of classical architecture printed on masonite or ceramic in a fashion at once extravagant and precise. A nostalgia trip available until Sunday.

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RECORDS: CLASSICAL

Strong in spirit

YURI BASHMET is a virtuoso of a hearteningly modern sort, close to living music, and Alfred Schnittke's *Violin Concerto*, written in 1985, is a testimony to the strength, scale and range of his playing: a massive piece, in the dour, besieged Romantic manner that makes Schnittke seem Shostakovich's natural successor. Rostropovich and the London Symphony Orchestra support and extend, and provide shattering climaxes, but the dark thrust comes, as it must, from the solo instrument. Bashmet also conducts the Moscow Soloists in his own arrangement of Schnittke's *Trio Sonata*.

A second new Schnittke record offers another big recent work, the *Concerto Grosso No 4* — *Symphony No 5* of 1988. The cumbersome title is justified by the fact that the piece belongs in two series, and also by the fact that it is a concerto grosso which becomes a symphony,

Schnittke: *Violin Concerto*, *Trio Sonata*, Bashmet, LSO/Rostropovich, RCA/BMG, RSD 60465
Schnittke: *Concerto Grosso No 3*; *No 4* — *Symphony No 5*, Concertgebouw/Chailly, Decca 430 698-2

the ghosts of Bach and Vivaldi — the first movement giving way to the ominous drifting presence of Mahler in the second, and then perhaps to a shoring-up against spirit invasions in the huge third movement that is the trunk of the symphony. This is again a work of tremendous effort and power, and Riccardo Chailly's performance, with the orchestra for which the symphony was written, quite supersedes an earlier attempt to grapple with the thing. There is the bonus, too, of its predecessor in the concerto grosso line, a piece in which the Baroque runs scared.

PAUL GRIFFITHS

GALLERIES: LONDON

The sibling who was Surrealist

John Russell Taylor on Alberto Savinio, the Italian painter whose work was for long overshadowed by that of his brother

Perhaps the best thing is to forget right away that Alberto Savinio was the younger brother of Giorgio de Chirico. Best not because Savinio necessarily suffers from the comparison, but because constant comparisons between brothers raise all sorts of irrelevances which then need to be cleared away before Savinio in particular can be properly considered.

Certainly a visitor to the major Savinio show at the Accademia Italiana, the first one-man show ever in this country, would not instantly start making comparisons. There are perhaps four or five pictures which show some similarity to de Chirico, but it would be difficult to find any Italian artist born in the 1890s who was not at least briefly touched by that influence.

Savinio is what his brother never really was: a fully-fledged Surrealist. His paintings consistently depend on

the classic Surrealist gambit of localised dislocation. The lady in the elaborate evening dress with a corsage of roses is conventionally posed and painted but happens to have an ostrich's head above her shapely shoulders. The family group could be sitting for a *carte-de-visite* photographer, except that there is something spectacularly strange about their faces. The father, for instance, has sprouted tusks which seem to have penetrated his eye-sockets.

Sometimes the effect, especially given Savinio's taste for Victorian dress, comes over as a painted equivalent of Max Ernst's collages, based on Victorian steel engravings. But Savinio goes far beyond that. He is a much more painterly painter than, say, Dalí, who aims at a hard mechanical finish.

Savinio is clearly interested in the material qualities of paint itself, and the style reflects the subject matter rather than standing aloof



"Ruined cities are likely to be peered at by passing giants": *Nettuno*, a 1950 painting by Alberto Savinio

from it. In particular, his preoccupation with corruption and dilapidation finds its counterpart in rough and crumbly surfaces and knobbly, granular textures, which give the paintings an extra dimension.

Savinio, whose centenary is here being celebrated slightly belatedly (he was born in August 1891, three years after de Chirico) was an artistic all-rounder. In his teens he was a musical prodigy, studying composition with Max Reger and composing an opera which was much admired by Mascagni. In his twenties, under the influence of Apollinaire, he concentrated on writing, then in his thirties returned fulltime to music as conductor and composer.

He took up painting relatively late, achieving his first

one-man show at the age of 36. But from then on he was quite prolific, becoming the most important Italian Surrealist both in images and in words. After his death in 1952 he was neglected for some years, but since the mid-Seventies there has been a big revival of interest.

The present show covers his whole painting career from 1927 to 1952. Certain ideas recur throughout. Surreal dislocation of response is sometimes achieved by tricks of scale: early on, his ruined cities are likely to be peered at by passing giants; in one of his most haunting later paintings, *Il fiume* (1950), a monstrous figure peers over the skyline like Kilroy announcing his presence. The early neo-Classical figures seem lat-

er on to melt and fuse as though left out in the sun too long. In one of his last paintings, *Mésalliance*, while the figure of the wife in the foreground is conventionally painted, that of the husband behind is subject to facial distortions that suggest the contemporary work of Francis Bacon.

Savinio is a fascinating figure who well deserves rediscovery. Though he spent time in Paris on and off, he

was unfortunately never there long enough to qualify as a member of the Ecole de Paris. If he had, he would surely be as well-known as any Surrealist. In Italian art he remains unclassifiable except, unrevealingly, as de Chirico's younger brother.

● Alberto Savinio, *Accademia Italiana*, 24 Rutland Gate, SW7 071-225 3474 Tues-Sat 10am-5.30pm (Wed to 8pm), Sun 2-5.30pm, until February 23. Admission £3, concessions £1.50.

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My bag's smaller than your bag

A handbag? The practical shoulder bag is being replaced by something small and decorative, Liz Smith reports

Just as you used to be able to judge a gentleman by the state of his shoes, a woman was said to reveal a lot about herself by her choice of handbag. The small, neat bag that usually dangles from the Queen's wrist indicated that here was a woman uncluttered by housekeys, credit cards or small change for the parking meter. The rest of us had to regiment our daily needs inside a roomy leather tote slung over the sharp shoulders of a suit.

Today, padded shoulders are out of vogue. Women no longer need to prove their working status by wearing tailored clothes. Most surprising of all is the contrariness of professional women who have abandoned the efficiency of a roomy bag to follow one of fashion's more impractical whims: the tiny, wrist-dangling and — surely — just decorative, bag.

The ever-diminishing bag remains the fashion mystery of 1992, but it has propelled into the spotlight a group of designers who have made this year's cult accessory their speciality.

Lulu Guinness launched her bag business two-and-a-half years ago with the Lulu, a businesslike briefcase kitted out with pockets and tabs to hold the tapes, pins, timesheets, and other essentials of television production assistants like herself. All in leather, and manufactured in Chester, its price, at £300, was as serious as its styling.

For Christmas 1990 she added to her range a less serious style, the "dolly" drawing bag in colourful suede. It cost £47, was stocked by Liberty in London, and her friends all bought it. Result? The original Lulu, like every other practical tote, risks becoming an endangered species. Instead, Mrs Guinness's design studio in the basement of her west London house is dotted with drawing "dolls", tiny buckets in scarlet or pink, all grograin, small chains, and bright bangles or sun, and cylindrical leather pill boxes that dangle by a loop from the wrist.

Mrs Guinness says that she enjoys creating bags which her friends want to buy and can afford — boxy, structured 1950s shapes that sell for between £50 and £100. With no fashion training, she produces simple technical drawings for the factories (based in London's East End) to follow. She has aimed at a specific gap in the accessories market, supplying



Bags of room: Lulu Guinness, left, with her circle and her pleat bags. Anya Hindmarch, right, shows her bead handle and petal bags, and a classically styled handbag

something well-designed at a price way below that of the average status-symbol bag. Janet Fitch, 2 Percy Street, London W1, and Warehouse in Glassford Street, Glasgow, are among the chic shops that sell Lulu bags.

With a daughter, Tara, just two months old, Mrs Guinness has not lost all grasp of practical necessities. Her friends often wonder that she adds a shoulder strap to her bags and, as well as a roomy suede shopping tote (£82.25, with a grograin purse that clips inside), she launched the "baby bag". Bored by the nursery prints and pastel colours on most baby-changing bags which let down the image of an otherwise well-dressed young mother, the Lulu baby bag comes in a stylish black and gold Celia Birtwell print. It may be bought by mail order, for £49.35 including

package and post. Telephone 071-221 9686 for details.

Vivid colours and small, boxy shapes are also the signature style of Dollargrand, whose bags have been brightening up accessory counters in stores across the country for several seasons, selling for about £30. Glenn Hess of Dollargrand can attest to a woman's style when her bag and is horrified by the scruffy satchels carted around by otherwise chic women.

Dollargrand's hearts, boxy "meat-moon" shapes, buckets, panelled multi-colour footballs and tiny Madonna-style beauty boxes are, he says, the antithesis of the status symbol chain-handled Chanel bag, the bamboo-handled pigskin

Glenn Hess is horrified by the scruffy satchels carted around by otherwise chic women

Gucci or Hermès's "Kelly" bag (Grace Kelly's favourite in the 1950s). However, Dollargrand's exuberant take-off of Chanel's quilted style (in heart shapes instead of diamond patterns) and the celebrated twist-clasped "Kelly" (scaled down, and in a riotous mix of "colours"), have been

among the season's best-sellers.

The latest craze is for Dollargrand bags so small that they hang around the neck, medalion style. The heart, Dollargrand's signature shape, is used both for a tiny medalion bag as well as a roomier style. Either would make a good Valentine's day present. Fenwick, Selfridges and Harvey Nichols in London, Hoopers in Torquay, Chichester, Tunbridge Wells, Cheltenham, and Wilmsham, as well as Beales of Bournemouth, all stock the range.

Any a Hindmarch became smitten with beautiful bags at school in Florence and proved her entrepreneurial talents early. At 19 she borrowed £500 from her bank manager to import a range of drawstring duffel bags from Italy, and sold them mail order through a glossy magazine's "special offer"

page. Today, at 23, her quirky styles — "tailboy" bags on four legs with a tiny drawer at the base, saun boxy shapes dangling on ropes of pearls, bags inset with clock faces or clasped with a jewelled crown — sell in smart stores in New York and Los Angeles, as well as in France, Italy and the UK. The Americans particularly love her new boy "poodle" bags, with a poodle charm dangling on a chain.

"I would love to do for handbags what Manolo Blahnik has done for shoes," Miss Hindmarch says. Her prices run from £187 to £250. Joseph Ettedgui, the trendsetting retailer and arbiter of chic in London, displays her bags in his shops like pieces of modern sculpture. Other sockists include Palmer in Motcomb Street, SW1, Pollyanna in Barnsley, West Yorkshire, and Collections in Leeds.



CHRISTOPHER MOORE

Speakers that speak volumes

Bang & Olufsen says its latest product is a museum piece. Will the public agree?

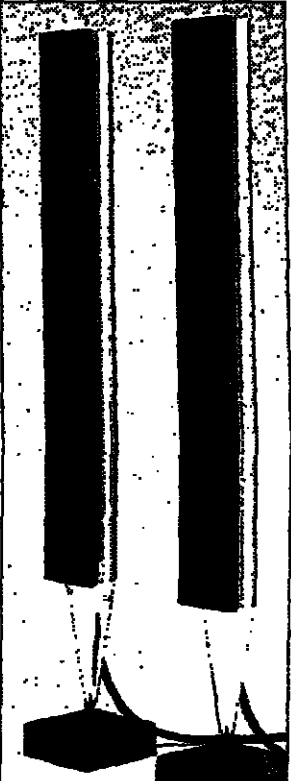
Can a loudspeaker be a work of art? Bang & Olufsen, the Danish radio, television, and hi-fi manufacturer, thinks it can. The company predicts that its Beolab 8000 loudspeaker will soon join other Bang & Olufsen products on permanent display in New York's Museum of Modern Art.

Picture a loudspeaker and a black rectangular box springs to mind. Turn to the Beolab 8000 and you see an architectural shape not unlike a church organ pipe. High-rise and slimline, the Beolab 8000 has a V-shaped foot fastened to a square, cast-iron base for stability. A silver, anodised aluminium cone supports a slender, black, Lycra-covered rectangle.

This may be what museum exhibits are made of, but is it the stuff of sitting rooms?

The speaker was created by David Lewis, a British designer who trained at London's Central School of Art and Design. Its effect has been achieved by Bang & Olufsen's in-house design team, which is involved at the earliest stage of a new product's technical development.

Mr Lewis emphasises the "liveability" of the speakers.



Pipes dream? Beolab 8000

"This is a minimal approach to large sound," he says. "Loudspeakers are generally too large, too heavy, with boring shapes. But it's not necessary to have the cumbersome of enormous boxes. These are visually compact, and not too macho."

The speakers are 4ft 4in tall by 6in wide and 6in deep, weigh 44lb and can be connected not only to Bang & Olufsen equipment but also to that of other manufacturers. Works of art do not come cheap, however: Beolab 8000 loudspeakers cost £1,800 per pair.

Too twee, or just terrific?

A pastel-painted estate offers a new recipe for the "village"

Designs for new model villages abound. John Evennett has actually built one. Even before the Prince of Wales's plans for Poundbury, his model village in Dorset, were published, the search was on for an alternative to the suburban-style speculative estates that proliferated on the edge of almost every country town in England during the 1980s, with their self-consciously meandering roads, cul-de-sacs and hideous signature of cars parked on concrete "lawns" in front of every house.

Outside Sittingbourne in Kent, Mr Evennett has designed Church Milton, a housing development for Royco which no one could fail to notice. At the time it was commissioned Mr Evennett, Royco was fresh from a management buy-out, led by Robert Clarke, its managing director.

"He did things most other developers thought were mad," Mr Evennett says. "Instead of relentless uniform brickwork, many of the

houses were rendered and colour-washed. You've no idea of the prejudice against this in the trade." Royco even imposed covenants to ensure that the houses would be repainted in the same pastel colours, pale greens, pinks, blues and creams.

Instead of the usual detached or semi-detached houses, Royco built terraces. "Something normally reckoned to knock 20 per cent off prices," Mr Evennett says. The concept was "to build groups of houses that never repeated," Mr Clarke says. "I wanted people to be able to say, 'I live in the pink house round the corner, second on the left'. No struggling to find number 27."

One of the things which makes the design work well is the choice of materials. Having dispensed with mass-produced brick and red concrete tiles, Mr Evennett introduced slate roofs, white weatherboarding typical of Kent, wooden verandahs and, best of all, proper sliding wooden sash windows.

Variety is achieved by mix-



Green spaces: a Church Milton home at the edge of village green, with its carp pond

ing painted and weather boarded houses with occasional brick ones. Prices averaged £55,000 for a two-bedroom house, and £70,000 for a three-bedroom one. The houses have all been sold.

The variety, Mr Clarke says, also helped to bring out the best in the builders. "Where each house is a repeat, the tradesmen get blasé. They don't have to look at the plans. Here we noticed a distinct improvement in quality. I had a carpenter here who brought his wife to look at one of his new houses for the first time in 25 years."

The sash windows established a happy set of proportions throughout the estate. Royco dropped the kitchen window sills (usually raised to accommodate standard height kitchen units) so that they would match the others. "It leaves a little trough behind the kitchen sink, but you can stand the Fairy liquid in it," Mr Evennett says.

The idea for the verandahs came from houses that Mr Clarke had seen in New Orleans. They work because the design is not over-fussy, with simple x-pattern balustrades in bold white woodwork. The relatively generous proportions of the houses also adds to the look of the estate. "We went for high ceilings," Mr Clarke says. "The cost is that of an extra tread on the stairs and three courses of brickwork. Inside, we use deep skirtings, wide door architraves, panelled doors and brass door furniture to give character." He also gave

every house a lined oak kitchen, usually reserved for the top of the range. Mr Evennett, like many architects, holds that the bane of modern housing development is the county highway authority. "Mostly it's the highway standards which destroy what you're trying to do. They force you to adopt road layouts and parking arrangements quite alien to the traditional country village."

At Church Milton, Mr Evennett avoids placing all the garages beside the front door in the main elevation. Some are set back between the houses, with a third bedroom over them. Elsewhere, garages are discreetly sited in dead spaces behind the houses.

Royco originally had a site of more than 80 acres. The land had been used for clay extraction, leaving it "lower in level and utterly boring and featureless," Mr Evennett says. Worse, Mr Clarke

adds, it was "next door to an ugly factory site filled with concrete drainpipes."

Royco introduced a village pond and let the grass grow long. Mr Clarke explains: "The land when we started was cheap because of its poor situation. So we could afford to be relatively generous."

Usually, the open spaces in such developments are tucked away in little awkward corners of no value. Here the village green is the main focus, a great feature for bonfire nights and all sorts of events. "The one element missing in the Arcadian scene is a few trees."

After the first 130 houses on 10 acres, Mr Clarke sold off the rest of the site to other volume house-builders. As a result, the rest of Church Milton is now, unfortunately, a textbook example of different developer building types.

Church Milton won accolades for Royco, including best house-builder of the year in 1989 from *What House?* magazine. But, Mr Evennett says, it did not bring him a single enquiry from another developer.

The obvious criticism of Church Milton is that it is twee. "People in Sittingbourne call it toy town," Mr Clarke says cheerfully.

Audrey Coldough, who lives in a house overlooking the village green, has no qualms. "It's very pretty. It's just the colours that make people call it toy town. But as soon as you walk in from the busy main road you suddenly feel a wonderful tranquillity. The village green is a great asset. My husband has filled the pond with carp. Everyone is very protective of it."

Mrs Coldough also runs the community hall built by Royco. "It's booked up every night with youth clubs and OAPs. Darts, table tennis, snooker, and cards." The difference between a housing estate and a village is precisely this sense of community and provision of community facilities.

One weakness of the scheme is the lack of shops. Another resident, Betty Avaris, comments: "The houses are beautiful, but there's no shop, not even a

pub to go into and have half a jar and a natter."

Mr Evennett is unrepentant at gibes of Church Milton being pretty-pretty. Far worse, he considers, is "the dark stained boarding that planners advocate to blend with the countryside or the black boarding favoured by some architects."

He recognises that much work in his field consists of putting up shies for developers, which may be twisted out of recognition when they can only work if every detail is right. But for anyone who wants to see a model village, full of proud owners, Church Milton is the place to go and judge for yourself.

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Woodrow Wyatt

The Tories need not be on the defensive

The latest snapshot of yo-yo polls gives little comfort to the Tories and mild encouragement for Labour. Last Friday's *Daily Telegraph* Gallup poll showed the Tories within four seats of an overall majority: not the best position from which to form a government. In *The Independent* on Sunday, NOP gave Labour a five-point lead, enough for an overall majority. Now look again. Both polls showed Tory support holding to the vital 40 per cent mark, and the Liberal Democrats at 15.2 and 12 per cent respectively.

Opinion polls habitually underestimate substantially the Liberal Democrat vote in the polling booth. In January 1987, Gallup gave the Tories 34.5 per cent, Labour 39.5 per cent and the centre party 8.5 per cent. The outcome in the June election in percentages was: Conservative 41, Labour 34 and the centre party 23.5 per cent. Mr Ashdown's party may not reach this level in the election, but it is bound to get at least 5-7 per cent more than today's rating.

On the evidence of past elections, the Tories have only to hold on to 40-41 per cent to have a comfortable overall majority. They will also be aided by approximately one million people not registering for a vote, in fear that this would make it easier for them to be tracked down by the authorities seeking community charge payments.

Pollsters' surveys are conducted on the basis that all questioned have votes, and take no account of the reasonable assumption that most of the missing million would have voted Labour. Labour's hope must be that many erstwhile Tory voters, particularly in the South, worried by the novelty of surrounding unemployment and by difficulties with their mortgages, will abstain. On polling day, of those now intending to abstain, few would be likely to vote Labour, some would vote for the Liberal Democrats, and others would reluctantly vote Tory again as the lesser of two evils. A superstition among politicians is that the country votes according to its mood six months before. But in June 1987, the five-point Labour lead of January vanished.

The Tories would be foolish to rely on precedents. The British fair-play instinct to give the other side a chance can be potent, as it was after 13 years of Tory rule in 1964, which could effectively, and with some accuracy, be described by Labour as wasted years. Nevertheless, Alec Douglas-Home came within a whisker of winning.

Weakly on the defensive, the Tories are failing to trumpet the lasting successes of the Thatcher years. The decline of earlier decades was halted. Whether in average incomes — well above 1979 in real terms — or in ownership of material goods, there is overwhelming evidence that the great majority are appreciably better off.

The menace of perpetual strike disruption ordered by defectively elected trade union leaders was ended by the introduction of secret postal ballots for union executives and before strikes. Though Labour has promised to reverse some of the popular new laws, it dare not destroy the substance of them. Labour aims to damage the newly privatised industries, but declares it will not rationalise them in the old form. Mrs Thatcher forced Labour to move dramatically to the right, at least in its proclaimed intentions. Her achievements in changing the face of Britain, including Labour, have a sting in the tail for the Tories. Labour is beginning to look almost like America's electable Democratic party. The Tories should address themselves urgently to proving that Labour has not yet reached this cosy status, and that it needs to modernise itself much further, after losing at least one more election, before the country is safe in its hands.

A year after 'Scud FM' showed the need, Radio 4 should become a 24-hour news service, says Janet Daley

Feeding a news junkie

A year ago, the country was in thrall to an unprecedented radio news service known in broadcasting circles as "Scud FM". Like many good things, it occurred spontaneously: when the action began in the Gulf, there never seemed to be an appropriate moment to go off the air, so Radio 4's *Today* simply carried on until it merged with *The World at One*, and then with PM, and having come that far, it seemed sensible to go on through the night (especially as that was when everything happened). The show was up and running before anyone had time to think of officious objections.

With remarkable efficiency, wavelenghts were sorted out so that Radio 4's usual audience need not be deprived of *The Archers* for the duration, and Britain found itself with an all-day news service. Not only did its non-stop coverage of the war prove surprisingly popular, but when faced with a sudden domestic drama — the IRA mortar attack on Downing Street — the service was

impressively capable of switching gear to follow up that event minute-by-minute.

When the war ended, the BBC congratulated itself on its accidental success, and wound the whole thing up. But a few people at Broadcasting House wondered why it should not be done all the time. After all, there seems to be a healthy market for Sky News and CNN. And radio has advantages over television when it comes to continuous news, being cheaper and more flexible, and available to audiences outside the home.

To my delight, I found last summer that most of my contacts in BBC radio sounded positive about making the experiment a permanent fixture. Like most journalists, I am an incurable news addict. On a good day, I can just about stagger through with Radio 4's daytime programmes,

the main evening television news and a bedtime dose of *Newsnight*. Having something to fill in the gaps would be bliss.

But this would serve the needs of more than just professional junkies. At a time of tumultuous change in the world, it seemed absurdly parochial that the British should have had to wait for the next scheduled news broadcast to discover whether communism had finally collapsed. During the coup in Moscow, when world politics seemed to be swinging from one pole to another within hours, we had to be content with out-of-date reports relayed at the usual intervals. More than anything, I felt cheated of the breathtaking sense of hearing of an event as it took place: the knowledge that crowds were storming the

Lubyanka at that moment. Alas, the latest official word

from the BBC is that full-time radio news will not be with us "for the foreseeable future". All of last year's optimism has apparently perished out. The scheme of a current affairs channel offering the kind of sophisticated analysis at which the BBC excels — a news service for adults with the seriousness that only radio can maintain, because it is not at the mercy of "visuals" — looks like dying on the vine. Those of us who are grievously disappointed had not reckoned on the degree to which the BBC was captive to its own sectional politics.

Vested interests, protecting their own warring empires, have been able to offer some credible arguments. "Scud FM" was criticised for just the things which arose from its need to broadcast non-stop. Hours of relentless warfare were produced by the simple

need to keep talking. Much of what was said was tedious or (in the interests of novelty) positively perverse, and speculation was built upon speculation.

This case would be more convincing if the opponents did not want to have it both ways. For they also claim that the only reason for "Scud FM's" success was that there was a war on: in peacetime, there would be nothing like the public interest in continuous news. But being a single issue service was the limitation which made "Scud" vulnerable to the charges of both tedium and irresponsibility. A permanent news channel would have open to it the full range of interests covered by any daily newspaper: arts, finance, health, education. It could offer specialist programmes instead of endless free-form punditry: perhaps a

major political interview broadcast live in the afternoon and repeated in the evening, or a version of the American perennial *Meet the Press*, in which newspaper journalists quiz a politician.

Some new guidelines on political balance during election periods would be needed, of course. To satisfy the people with stop-watches in Smith Square and Walworth Road, there would need to be clear segments of political coverage so that exposure time could be measured. But on the whole, fairness could more easily be guaranteed. Any section or party which felt aggrieved could be offered air-time without elaborate advance planning. Not only would a wide breadth of opinion be possible: anything else would be hard to explain.

But all this promise is fading fast. Like all large bureaucracies, the BBC favours those who guard their own spheres of influence. Sadly, "Scud FM" now seems fated to be one more instance of the British being at their best only when they are at war.

The Algerian election fiasco highlights a harsh dilemma facing the Muslim world, argues Michael Binyon

Opponents of the Islamic Salvation Front had good reason to fear that if the Front were voted into power in Algeria, it could never be voted out again. Its leaders expressed open contempt for democracy, equating it with atheism. They promised huge changes in the constitution to cleanse Algeria of corrupt Western values and turn it into an Islamic state. They exploited the electoral processes to offer voters a stark choice: Islam or democracy.

Little wonder that the military coup has the tacit backing not only of the country's ruling elite but of most Western liberals and governments. As the French press remarked yesterday, paraphrasing St Just, "Should we refuse a democracy to the enemies of democracy?" For the Front threatened to bring a fundamentalist regime, a self-avowed opponent of Western culture and political tradition to the shores of the Mediterranean. Unlike Iran, such a regime would not ride in on the back of a revolution against a tyranny, but by popular acclaim. It raises a question that many Muslims are loath to formulate: are Islam and democracy incompatible?

The record is hardly encouraging. Of all the members of the Islamic conference, barely a handful are democracies in a sense acceptable to Western governments or human rights campaigners. The dictators of presidents Assad, Gaddafi and Saddam Hussein are the most egregious offenders. But even benign rulers such as King Hussein maintain a tight control: Jordan has only recently reintroduced a limited parliamentary democracy. The royal families of Saudi Arabia, Oman and Kuwait brook virtually no opposition. Pakistan has had a succession of military rulers and strongmen snuffing out brief popularly elected governments. A few countries, such as Egypt, Indonesia and Tunisia, have turned their

backs on dictators and moved towards elected, though still largely authoritarian, governments. Only Turkey can claim a reasonable record of proper democracy, interrupted by several military coups.

Significantly, the greatest threat to limited democratic freedoms comes from Muslim militants: in Pakistan it was the political heirs of Zia ul-Haq who overthrew Benazir Bhutto; in Jordan it is the Muslim Brotherhood which threatens civil rights most Jordanians have long enjoyed; in Egypt the fundamentalists are the main threat to secular freedoms.

However, this is to overlook both the influence of the West and the essence of Islam. Muslim fundamentalism is essentially a reaction against the West. It rejects not so much democracy as the Western concept of secular, pluralist democracy and the related cultural values. It draws on spiritual frustration, a political inferiority complex and material discontent — for impoverished fundamentalist governments cannot match Western promises of plenty — and rejects secular society, individualism and rationalism — as opposed to religiously-inspired — jurisprudence. Fundamentalism draws strength from nationalism, the resentment throughout the Muslim world at Western domination and the lasting spiritual trauma of colonial rule by non-Muslims.

Islam, Muslims insist, is not a religion confined to the private life of man: it is a prescriptive way of life. Christ's saying "My king-



Choice or the chador: moves towards democracy in Algeria fell foul of deeply-felt religious traditions

dom is not of this world" is incomprehensible to Muslims, who believe that God's word was revealed to Muhammad, and that man's duty is to obey this revelation. A ruler's duty is not to make new laws, but to uphold the laws of the Koran. For this reason, colonialism by Christians has been anathema since the Crusades.

Inevitably, temporal and religious power were gradually divided in the Muslim world, as theology retreated into the *madrasas* — Islamic schools — and ordinary secular struggles brought various military and dynastic rulers to power. Post-colonial rulers inherited nation-states with boundaries determined mostly by outsiders, constitutions embodying Western ideas of rights and

freedoms, and societies strongly influenced by Western science and technology. Most modern Muslim thinkers accept today's world. There is nothing intrinsically offensive to Muslims in the present polity or the United Nations declarations on human rights. Though not invented by Muslims, the fax, the aeroplane and television are not un-Islamic.

However, the fundamentalists trying to purify Islamic society by returning to its origins are essentially spiritual Luddites, throwing out all the benefits of modern society along with its political assumptions. They see pluralism as a Western evil because it would tolerate parties that either turn their backs on Islam or believe that laws can be framed, debates

resolved and society ordered without reference to either the Koran or *hadith*, the body of early Muslim teaching. They do not call for autocracy: a ruler must be just, pious and consult the people. Military regimes are not acceptable, being banned by the Koran and imposed upon the people. Yet from Indonesia to Algeria, and Pakistan to Sudan, fundamentalists oppose parliamentary democracy which gives secular parties free rein. For them, the best kind of democracy is a consensus in society, with consultation on the lines of the mass participatory meetings Colonel Gaddafi has attempted in Libya.

The problem for today's Muslim rulers is that fundamentalism touches on beliefs most people from Muslim beliefs does not have to be an Islamic state, with all its inevitable coercion and disappointment. Algeria is only the latest battleground in the confrontation. Many of those who voted for the Islamic Salvation Front did so not because they want to recreate the golden age of Islam in Algeria, but out of anger over rising unemployment, corruption, the shortage of houses and the political stagnation. The Front offered a vibrant though harsh alternative. The West must alleviate the disease, not rail at the symptoms. Only the offer of freer trade and a new political partnership to countries that eschew fundamentalism will halt its march through Africa.



...and moreover CRAIG BROWN

To the Editor, *The Times Literary Supplement*, January 14. Sir, May I take this opportunity to congratulate you and your staff on the 90th anniversary of your excellent journal, and, in particular, the letters page, which has done so much to promote bonhomie and mutual respect among tollers in the literary vineyard. Keep up the good work! With best wishes, Timothy Nice.

To the Editor, *TLS*, January 21. Sir, Since you possess such cavalier disregard for truth as to print Mr T. Nice's ill-informed and spiteful letter (Jan 14), it may well be asking too much to suggest that you might now correct some of his wider allegations.

Contrary to his sneaking insinuations ("...with best wishes...") and vicious innuendo ("...keep up the good work..."), my books are entirely my own work, and are not plagiarised, save where strictly necessary. My personal life, too, is without blemish, despite what Mr Nice may imply ("...to congratulate you and your staff..."). and my knowledge of life in 8th-century Isle of Wight remains unsurpassed. Yours sincerely, Edward Bundy (Professor).

To the Editor, *TLS*, January 28. Sir, I can't help but wonder whether Professor Bundy (Jan 21) has misinterpreted the drift of my letter of January 14. I was merely wishing to congratulate the *TLS* on its 90th anniversary. I meant no disrespect to Professor Bundy, whose name I did

not mention, and with whose work I am, also, unfamiliar. Yours sincerely, Timothy Nice.

To the Editor, *TLS*, February 4. Sir, As a long-time colleague of Professor Bundy, I was dismayed at Mr Timothy Nice's venomous letter of January 28. Mr Nice makes the faux-pas claim that he "did not mention" and is "unfamiliar" with Professor Bundy and his work. Yet few readers can be in any doubt that the real intent of his earlier letter (Jan 14) was to hold Professor Bundy up to ridicule precisely by avoiding any mention of his name. Professor Bundy is an acknowledged expert on urban life in 8th-century Isle of Wight, and should not be subjected to such malice. Yours sincerely, Reginald Kray (Professor).

To the Editor, *TLS*, February 11. Sir, In a typically mean-spirited gesture, Professor Kray (Feb 4) derides me as "an" acknowledged expert on "urban" life in 8th-century Isle of Wight, when it is well-known that I am the acknowledged expert on all life in 8th-century Isle of Wight, urban and rural, a subject upon which, I might add, Professor Kray's last book, *Never the Moccasin: The Footwear of Robert Browning 1867-73* had strikingly little to say. Yours sincerely, Edward Bundy (Professor).

To the Editor, *TLS*, February 18. Sir, Your issue of January 14 has been brought to my attention. Nowhere in his letter does Mr Nice mention my recently published book *The Wok and the*

Madonna: Chinese Cookery in Renaissance Art (Beaver University Press, 11pp, £55.95 inc p&p). This omission caused me considerable hurt, and squares ill with his protestations of bonhomie. Yours sincerely, H.F. Crippen (Dr).

To the Editor, *TLS*, February 25. Sir, Nor does the malevolent Mr Nice mention my book, *The Ineffective Oven Glove and other stories* (Armadio Press, £15), described by one critic as "a savage indictment of kitchen utensils in the latter part of the 20th century". I would ask you to remedy this. Yours sincerely, Charles Peace.

To the Editor, *TLS*, March 5. Sir, May I apologise to those of your correspondents to whom I have caused any upset. I look forward to reading and enjoying all their books, including *The Ineffective Oven Glove and other stories*, *The Wok and the Madonna*, *Never the Moccasin*, and Professor Bundy's *Murder and Scandal: The Notable Lack of Murder and Scandal in 8th-Century Isle of Wight*. I wish them all the best. Happy 90th anniversary. Yours sincerely, Timothy Nice.

To the Editor, *TLS*, March 12. Sir, Perhaps Mr Nice (March 5) could explain precisely what he means by "best" and "Happy". We the undersigned believe that to harbour such vague wishes on behalf of others without any prior consultation whatsoever is at best hurtful and must be condemned. Yours sincerely, Edward Bundy (Professor) and 537 others.

Selective immunity

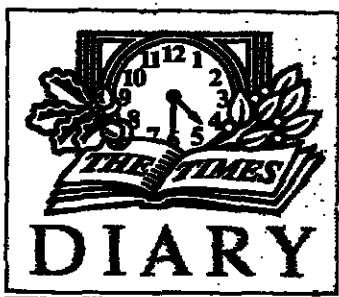
THE power of MPs to subpoena witnesses extends to the highest in the land, as the Maxwell brothers discovered yesterday. Commons select committees can summon cabinet ministers and peers of the realm to appear before them, and those summoned refuse on pain of imprisonment. Only one group, it seems, is unaccountable: the denizens of Brussels who daily exercise more control over our lives.

To the fury of MEPs on the energy select committee, Antonio Cardoso e Cunha, the EC energy commissioner, has declined an invitation to appear before its enquiry on renewable energy. Dr Michael Clark, chairman of the committee, says: "Brussels is always being accused of poking its nose into our business. We gave them an opportunity to have an input but now they say they don't want it. They only gave us a few days notice they would not be attending."

The MPs are particularly annoyed because they feel they were simply trying to be "good Europeans". Clark says: "Not all the committee wanted the Commission to be invited in the first place, but we were trying to be communitaire. It's a European issue. It's outrageous behaviour and we are very angry."

Lord St John of Fawley, father of the select committee system, expressed concern: "The powers of jurisdiction should be reviewed. I do not think select committees should be timid, or intimidated by Brussels."

If the commissioner himself had simply been unavailable, the MPs would have settled for one of his officials. The number two in the EC energy directorate, Clive Jones, is British, but when he hides beneath his Euro-cloak, MPs have



no powers to summon him either. Brussels, it seems, objects in principle to being called to account by national parliaments. A Euro-spokeswoman says: "The Commissioner is not responsible to national parliaments." Quite.

Wall to wall Commons television arrived yesterday. Cable television's dedicated parliamentary channel was launched on the first day back at Westminster, and round-the-clock live parliamentary coverage is now available to the 200,000 homes in Britain taking cable. Even better news for insomniacs, a channel offering British viewers live coverage of the European Parliament for the first time is due to be launched in the autumn, complete with simultaneous translation.

Pope and glory? THE Pope, who was reportedly peeved at his exclusion from the recent Middle East talks, is determined to play a role on the European political stage. Scarcely had the Holy See announced yesterday that the Vatican is leading Europe by offering full recognition of Croatia and Slovenia before senior British politicians and academics were flying to Rome for a mysterious meeting with the Pope today "to discuss European affairs". Those participating include

Lord Dacre and Lord Jenkins of Hillhead. But yesterday Lady Dacre could not say what had taken her husband half way across Europe. "All I know is that he is staying in Rome. My husband had no idea why he was invited or what's going on. He only knew which plane to get on and where it should land," she says. The Pope's representative in London was not in on the secret either. "No one has told me anything," says the Apostolic Pro-Nuncio, His Excellency Archbishop Luigi Barbarito.

Foxy tactics FRED BARKER put on his pinks, drank a draught of stirrup cup and went off to hunt perhaps for the last time yesterday. At the weekend the Master brought in to clean up the Quorn was forced to resign when the hunt committee voted to reinstate two former masters banned for breaking the rules. Surrounded by 100 of his own

outraged Leicestershire hunt followers, Captain Barker found additional support from a most unexpected quarter: his old enemy, the League Against Cruel Sports. "It's the kiss of death for him to say we agree with him," says spokesman John Bryant, "but in



their ranks he is at least one of the old school who doesn't approve of the modern ethic of foxhunting dominated by the spade and terrier brigade. Forcing him to resign has played into our hands."

Buckingham Palace protocol does not allow the name to be divulged, but a certain transatlantic weekly news magazine recently transferred its subscription list to a new electronic system. The magazine is now arriving addressed to Ms E.R. Queen, Pell Mell, Buck House, London.

We have been busy JUST over a year after she left office, Mrs Thatcher has finally put pen to paper to start work on her memoirs. While many commentators assume the former premier has shown a marked reluctance to work on her biography, the reverse is the case.

Since signing a deal with HarperCollins last October, worth between £3.5 and £3.8 million, she has hired a full-time researcher, Eddie Bell, the chief executive of HarperCollins, says: "Mrs Thatcher has done a ton of work on the book. She has got everyone buzzing. We have been working very closely with her, and have matched up her technology with her office so we can talk easily."

The first volume will be a serious historical account of Mrs Thatcher's premiership. "We have sorted out the chapter headings and she has started to write some sections," he says.

Robin Harris, a former head of the Number 10 policy unit and who now runs Mrs Thatcher's private office, is already engaged in extensive research. The book will also reveal for the first time her deliberations before rejecting advice to hush up the Anthony Hunt spy affair in 1979.



SILENCE IN THE HOUSE

STAND-OFF IN SOFIA

CURSORY LANGUAGE

Ridley's view on currency policy

Business letters, page 23

Family viewing

Art export controls

Sir, Bernard Levin ("The heart
its reasons" January 6) is clutch

From Dr Alan Bullock

From Mrs Molly Harrison

From Mrs Molly Harrison

Adult education

December 26, "Red wine with everything", commenting on the same

Genetic testing and life insurance

From Mr Desmond J. Le Grys
Sir, In theory, life insurance covers

BA and Virgin

*From the Deputy Chairman and
Chief Executive of British Airways*

Your articles not only perpetuate Mr Branson's unfounded allegations, but also make inaccurate and damaging statements about British Airways in relation to Laker Airways

Elections in Kenya

Elections in Kenya
From Mr Peter Hain, MP for Neath
(Labour)

but I am sure he prefers his facts plain and accurate. The UK population is not falling, as he asserts; it is still increasing and will do so by

portant than keeping fit, and health means maintaining right relationships of body, mind, spirit in oneself and with others.

Yours sincerely,

Yours faithfully,
D. J. Le GRYS,
Munich Reinsurance Company,
154 Fenchurch Street, EC3.

defendants. Further, we are totally unaware of any accusations having been made against us in relation to Air Europe and strongly deny the claims made in your article.

We are surprised and disappointed that you have chosen to repeat Mr Branson's allegations.

Yours faithfully,
COLIN MARSHALL, Deputy
Chairman and Chief Executive,
British Airways plc, PO Box 10,
Heathrow Airport (London),
Hounslow, Middlesex.

Rail in Europe

From Mr Jean-Pierre Loubinoux:
Sir, I was somewhat surprised at the
tenor of Michael Dynes's article
("Old thinking holds back super-
trains" January 3).

Far from being "little more than state-controlled bureaucracies", all railways nowadays operate in a highly competitive commercial environment; they have a remit to make a profit as well as providing a public service of major national and international importance.

French high-speed trains (TGV) have been running into Switzerland for over ten years. In a few months from now, specially adapted TGV will start running into Spain, on new standard gauge line from Madrid to Seville: in around 500 day time, internationally-designed high speed trains will be linking London with Paris and Brussels, to be followed two years later by services to Amsterdam and Cologne. I fail to see anything "parochial" in that.

Finally, the Economist Intelligence Unit's claim that only high speed lines linking major European cities will ever be commercially viable is total nonsense.

Our experience in France prove that high-speed rail networks, currently serving over 100 towns and cities, do make money, producing 12-15 per cent return on the initial investment.

The TGV Sud Est has already paid for itself, within ten years, and the TGV Atlantique is also highly successful. We have every confidence in the future of European rail travel and in the continuing co-operation between the national railways.

Yours faithfully,
J. P. LOUBIGNY

J-P. LOUBINOUX
(Managing Director),
French Railways in UK,
179 Piccadilly, W1.
January 6

Coining clichés
From Mr Gervase R. Belfield

Sir, Why is a criminal involved with illegal drugs always a "drugs baron" (letter, January 9)? Why not a "drug earl" or a "drugs duke", or, for lesser offence, a "drugs baronet"?

Yours faithfully,
G. R. BELFIELD,
14 Edgar Road,
Winchester, Hampshire.
January 9.

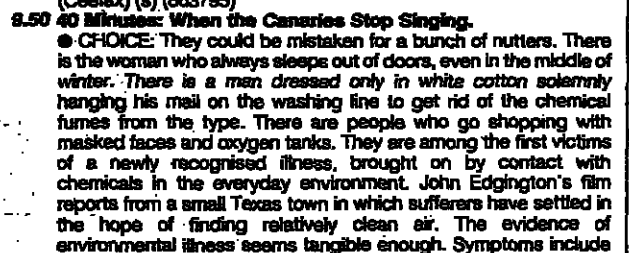
6.00 **Ceebees** (85004)
6.30 **BBC Breakfast News** begins with *Business Breakfast* until 8.55 when Nicholas Witchell and Jill Dando present news and local news with regular business, sport, weather, regional news and travel bulletins (9510733)
8.05 **Kilroy**, Robert Kilroy Clark chairs a studio discussion on the arrival of the "designer" drug Ecstasy (4780648) 8.50 **Hot Chefs**, Cave Howe from the Lygon Arms, Broadway, prepares a Christmas cheese and apple tart (255735)
10.00 **News**, regional news and weather 10.05 **Playdays**, For the very young (9455511) 10.25 **Pinig**, Animated adventures of a clumsy young penguin (9455511) 10.35 **No Kidding**, Family quiz game show hosted by Mike Smith with Kate Copstick (9455511)
11.00 **News**, regional news and weather (2246191) 11.05 **Whistle**, Gema, Ferpus, Kestel, presents highlights from the Natural History Unit archives (748735)
11.30 **People Today**, With Adrian Miles, Dab Jones and Miriam Stoppard, includes news, regional news and weather (9455511)
12.20 **Pebble Mill**, Music and chat presented by Judi Spiers (9773135)
1.30 **Five O'Clock News** and weather (7281375)
1.50 **Going for Gold**, (9455511) (4127125) 1.50 **Going for Gold**, Knowledge quiz game with European contestants (4787125)
2.15 **Film: They Won't Believe Me** (1947), b/w starring Robert Young and Susan Hayward. Engrossing courtroom drama, told in flashback, about a Wall Street stockbroker whose casual affair with his partner's secretary leads to two deaths and his arrest for his wife's murder. Directed by Irving Pichel (101655)
3.50 **Joshua Jones**, Animation (8405443) 4.10 **Jeopardy**, Charlotte Coleman with part two of *Jeopardy* on Newmarket, by Joan Algan (983646) 4.25 **Fantastic Max**, Cartoon (9455511) 4.35 **Ipso Facto**, James Darnett explores the causes of pressure and learns how to cope with it (923622)
5.00 **Newround** (795678) 5.10 **Grange Hill**, School drama series. (9455511) (9455511)
5.25 **Neighbours**, (9455511) (9455511) Northern Ireland: Inside Ulster
6.00 **Six O'Clock News** with Peter Sissons and Anna Ford. (9455511) (9455511)
6.30 **Regional News Magazine** (191) Northern Ireland: Neighbours
7.00 **Holiday** presented by Annika Rice, Rose King reports from Barcelona, the venue for this year's Olympic Games, and Kathy Taylor samples a holiday on a Derbyshire farm. Plus the launch of the *Holiday/Radio Times* competition (2337)
7.30 **EastEnders**, (9455511) (9455511)
8.00 **The Fall and Rise of Reginald Perrin**, David Nobbs's classic comedy starring Leonard Rossiter. As world of Reggie's retreat spreads the trickle of visitors becomes a flood (9455511) (1055)



Opposing teams: Graham Good and Liz McColgan (8.30pm)

8.30 **A Question of Sport** presented by David Coleman. This week Ian Botham and Bill Beaumont are joined by Frank Bruno, Liz McColgan, Graham Good and Jo O'Leary. (9455511) (9455511)
9.00 **Nine O'Clock News** with Michael Buerk. (9455511) (9455511) Regional news and weather (9455511)
9.30 **Spender**, Drama series starring Jimmy Nail as an unorthodox undercover policeman in this episode working in a glass factory to keep an eye on a suspected armed robber when a vicious gang war breaks out. (9455511) (9455511) Wales: Week in Week Out 10.00 **Spender**
10.25 **Film 92** with Barry Norman. Among the films reviewed are *Frankie and Johnny*, *Bill and Ted* and *Little Man Tate*. The guests are award-winning film makers Joel and Ethan Coen (9455511) (9455511)
10.55 **Film: Compromising Positions** (1985) starring Susan Sarandon and Paul Giamatti. Mystery comedy, based on the novel by Susan Isaacs, about a one-time newspaper reporter, now a bored housewife, who decides to live up her life by investigating the murder of a philandering dentist. Directed by Frank Perry (4828265)
12.30am **Weather** (9455511) Wales: Film 92 1.00 **News** and weather.

3.00 **Children's News** (1419172) 8.15 **Westminster**, A round-up of business from both Houses (1407955)
8.30 **Antiques**, The antiques expert visits A la Ronde, a circular country house which was conceived and built by two spinners in 1790 (9455511) (9455511)
9.00 **Daytime on 2**, Educational programmes (7872066)
9.00 **News** and weather (1858712) followed by *You and Me* (9455511) (9455511)
2.15 **In the Garden**, Dennis Cornish with advice on what is to be done in the garden during January (9455511) (9455511)
2.30 **See Hear**, Magazine series for the hearing impaired (9455511) (9455511)
3.00 **News** and weather (4835443) followed by *Westminster Live*, introduced by Vivian White (983823) 3.55 **News**, regional news and weather (8403085)
4.00 **Catchword**, Fast-moving word game hosted by Paul Coia (284)
4.30 **A Little Piece of England**, Sir Anthony Quayle narrates the story of a poor's fight to preserve his crumbling ancestral home in Avon (9455511) (9455511)
5.00 **Behind the Headlines**, With Robert Robinson and Lynn Greenman. The guests are Gailma Greer and Carol Thatcher (9455511) (9455511)
5.30 **Old Garden, New Garden**, Geoff Hamilton and Gay Search with advice for the novice gardener (9455511) (9455511)
6.00 **Film: Uncle Tom's Cabin** (1897) starring Avery Brooks, Phyllis Kaituma and Bruce Dern. A made-for-television version of Harriet Beecher Stowe's classic novel about the courageous Uncle Tom who risks his life to help other slaves obtain freedom. Directed by Stan Lathan (983823)
7.50 **Letter to the Editor**
CHOICE, Taking up the theme of last week's contribution from Sir C. Moser, the two-part enquiry into British education concludes by looking at why so many children leave school at 16 feeling that the system has failed them. International comparisons are instructive. In Germany 88 per cent of youngsters are still in full-time education at 16, in France 69 per cent. The British figure is 36 per cent. The British system is likened to the Olympic Games, which dreams of the best and leaves the rest as spectators. The analogy for Continental countries is the London Marathon, an event for all ages and abilities with no losers. An instructive and non-partisan analysis is underpinned by a survey in which British children reveal why they leave school early and reports on the very different educational philosophies of France and Germany (153945)
8.30 **Food and Drink**, Healthy school meals come under the microscope. Antonio Carluccio dines sumptuously with Egon Ronay in Budapest and there is a recipe for pasta with a rich Mediterranean fish sauce (9455511) (9455511)
9.00 **Australian**, Laura Spence. Bakula as a time-travelling scientist. In this episode she enters the world of the supernatural when he becomes a university ghostbuster assigned to protect a young woman from the deranged spirit of her late husband. (9455511) (9455511)
9.50 **40 Minutes**, When the Canaries Stop Singing.
CHOICE, They could be mistaken for a bunch of nutters. There is the woman who always sleeps out of doors, even in the middle of winter. There is a man dressed only in white cotton solemnly hanging his mail on the washing line to get rid of the chemical fumes from the type. There are people who go shopping with masked faces and oxygen tanks. They are among the first victims of a newly recognised illness, brought on by contact with chemicals in the everyday environment. John Edgworth's reports from a small Texas town in which sufferers have settled in the hope of finding relatively clean air. The evidence of environmental illness seems tangible enough. Symptoms include asthmatic attacks, pounding hearts, skin weals and blurred vision. Yet the local doctor is sceptical and talks of black magic. (9455511) (9455511)



Sick of the environment: a victim wears an oxygen mask (9.50pm)

10.30 **Newswatch** presented by Jeremy Pezmon (911153)
11.15 **The Late Show**, Includes an item on the key role played by PR agencies in Kuwait in the run-up to the Gulf conflict (9455511) (9455511)
11.55 **Behind the Headlines** (9455511) 12.25am **Weather** (9455511) (9455511)

6.00 **TV-am** (6605546)
9.25 **Keynotes**, Music quiz for teams, hosted by Alistair Davill (9455511) 9.55 **Thames News** (8047066)
10.00 **The News**, The Place... Topical discussion series chaired by John Seapin (9455511) (9455511)
10.40 **This Morning**, Family magazine series presented by Richard Madeley and Judy Finnigan. Today's edition includes items on consumer affairs, family finance and law, and cookery ideas. With national and international news at 10.55 and regional news at 11.55 followed by national weather (9278065)
12.10 **Treasure Box**, Early learning series (9663882)
12.30 **News** (9455511) (9455511) 1.10 **Thames News** (9455511) (9455511)
1.20 **Home and Away**, Australian family drama series (9455511) (9455511) 1.50 **A Country Practice**, Medical drama series set in an Australian outback town (9455511) (9455511)
2.20 **Viva la Difference**, The first of a six-part series in which people swap lifestyles for the day with their European counterparts. Today, Cornish housewife, mother and teacher Annette Gibb, who cannot speak a word of Italian, travels to Milan to live the life of Anna Debernardi (9839117) 2.50 **Families**, Soap linking the north of England with Australia (1307117)
3.15 **ITN News** headlines (4835443) 3.20 **Thames News** headlines (483733) 3.25 **The Young Doctors**, Australian medical drama series (9455511) (9455511)
3.55 **Josie Smith**, Adventures of a little girl (9455511) 4.05 **Danny's Duck Tales**, Cartoon (985714) 4.30 **Cartoon**, With Duffy Duck, Elmer Fudd and Bugs Bunny (982545)



Dinner for two: Dexter Fletcher and Julia Sawalha (4.40pm)

4.40 **Press Gang**, Award-winning young people's drama series set on a children's newspaper starring Julia Sawalha and Dexter Fletcher (9455511) (9455511)
5.10 **Blackadder**, General knowledge quiz game for teenagers, hosted by Bob Holman (9455511) (9455511)
5.55 **Thames News** (9455511) (9455511)
6.00 **Home and Away** (9455511) (9455511) (9455511)
6.30 **Thames News** (9455511) (9455511)
7.00 **Emmerdale**, British soap set in the Yorkshire Dales (5743)
7.30 **Voyager**, The World of National Geographic: All aboard Zaire's Amazing Bazaar. Photographer Bob Caputo travels by steamer along the Zaire river (443)
8.00 **The Bill**, Police. While enjoying an off duty pint at his local pub, Detective Sergeant Clegg is involved in a car accident and gets a tail for his trouble. The landlady tells him that the men concerned seem to be running a business illegally from the premises but her husband is reluctant to do anything about it. (9455511) (9455511)
8.30 **The Upper Hand**, Comedy series starring Joe McGann as a male housekeeper with a female employer (9455511) (9455511)
9.00 **Adam**, The Ripper. The second part of the drama about the Whitechapel murders. Starring Michael Caine, Amanda Abbott and Jane Seymour. Concludes after the news (9455511) (9455511)
10.00 **News at Ten** (9455511) (9455511) 10.30 **Thames News** (9455511) (9455511)
10.40 **Jack the Ripper** continued (983207)
11.35 **Prisoners of War**, Australian drama series set in a women's remand centre (9455511) (9455511)
12.30am **Video View**, The latest video releases reviewed by Mariella Frostrup (54844)
1.30 **Shady Tales**, Short story series starring Adam Faith (9455511) (9455511)
1.40 **The Equalizer**, The first of a two-part story in which the investigator disappears leaving behind him a trail of blood. Starring Edward Woodward (172738)
2.30 **Deadline**, Phil Donatus tries to discover what drives men to commit rape (9455511) (9455511)
3.30 **60 Minutes**, Award-winning American news magazine (9455511) (9455511)
4.30 **Entertainment UK**, A guide to the country's entertainment scene (13395)
5.30 **ITN Morning News** (46195). Ends at 6.00

6.00 **Channel 4 Daily** (6603288) 9.25 **Schools** (7883694)
12.00 **The Parliament Programme** presented by Nicholas Owen (90065)
12.30 **Business Daily**, Financial news and analysis (42917)
1.00 **Sesame Street**, Preschool learning series (30172)
2.00 **Film: Appointment with Venus** (1932), b/w starring David Niven, Glynn Jones and Kenneth More. Second world war comedy about an Allied plan to rescue a pregnant pedigree cow from a Nazi-occupied Channel Island. Directed by Ralph Thomas (951135)
3.25 **Matador Mago**, Cartoon starring the myopic hero (9516172)
3.45 **Third Wave** with Melvyn Nicholson. Series aimed at the over-65s. Today life in an Israeli kibbutz is examined. (Teletext) (2075882)
4.30 **Countdown** (355)
5.00 **It's a Dog's Life**, This second in the series looking at all canine aspects investigates the world of the sniffer dog and his invaluable assistance in the war against drug smuggling (9455511) (9455511)
5.30 **Dramarama: Look at Me**, The story of the friendship between two boys, one of whom is deaf. Starring Hywel Williams and Ben Mark (9455511) (9455511)
6.00 **My Two Dads**, American comedy series about two bachelors who inherit a 12-year-old girl (9455511) (9455511)
6.30 **Gamechanger**, Video games series presented by Dominick Diamond. Today boxer Gary Mason challenges an arcade champion (801)
7.00 **Channel 4 News** (Teletext) (929443)
7.50 **Comment** (112755)
8.00 **Brother Felix and the Virgin Saint**, The second of a three-part series tracing the epic journey of a 15th-century German Dominican monk on a mission to touch the bones of the Virgin Saint Catherine of Alexandria (4795)
8.30 **Historic Watch: Jane Goodall's Chimpanzee Crusade**, A documentary following the chimps as she visits sanctuaries in Africa and Dorset for animals saved from a life as a Spanish beach photographer's prop (9455511) (9455511)

Emancipated: Honor Blackman with Patrick Macnee (9.00pm)

9.00 **Without Walls: J'Accuse** - St Paul's Cathedral (3424) and The Avengers (2153)
CHOICE, In a double-headed edition *Without Walls* lets the modernist architect Maxwell Hutchinson loose on St Paul's Cathedral and mounts an affectionate tribute to television's *The Avengers*. Hutchinson's contribution to the *J'Accuse* slot is an indictment of St Paul's as a medieval relic and a rallying point for those who want to consign Britain to a sterile museum culture. It is a lively polemic, though the views of anyone who can call the National Theatre building "subtle" must be treated sceptically. The item on *The Avengers* is composed entirely of interviews with its stars, writers and directors and admirably recaptures the labour and development of a long-lived and successful series. The biggest innovation of this stylish and often surreal show was Honor Blackman's Cathy Gale, who for all her erotic black leather can claim to be one of the small screen's first emancipated women.
10.00 **Film: Adam** - His Song Continues (1986) starring Daniel J. Travanti and JoBeth Williams. A made-for-television sequel to Adam continues the story of the parents of a six-year-old boy who was kidnapped from a California department store. In this drama the boy's parents tackle the problem of recovering missing children and the husband is asked to become a consultant to the newly-created National Centre for Missing and Exploited Children. Directed by Robert Markowitz (529511)
11.45 **Empty Nest**, American comedy series starring Richard (Soap)
12.15am **Return to the Dome**, Highlights of the music from Friday at the Dome. Including Alexander O'Neal and Massive Attack (9455511) (9455511). Ends at 12.55

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ANGLIA
As London except 6.25-7.00 Anglia News (9455511) 7.30-8.00 **Food Guide** (9455511)
BORDER
As London except 3.25-3.55 News and Daughters (9455511) 3.55-4.00 **Home and Away** (9455511) 4.00-4.15 **Home and Away** (9455511) 4.15-4.30 **Home and Away** (9455511) 4.30-4.45 **Home and Away** (9455511) 4.45-4.55 **Home and Away** (9455511) 4.55-5.00 **Home and Away** (9455511) 5.00-5.15 **Home and Away** (9455511) 5.15-5.30 **Home and Away** (9455511) 5.30-5.45 **Home and Away** (9455511) 5.45-5.55 **Home and Away** (9455511) 5.55-6.00 **Home and Away** (9455511) 6.00-6.15 **Home and Away** (9455511) 6.15-6.30 **Home and Away** (9455511) 6.30-6.45 **Home and Away** (9455511) 6.45-6.55 **Home and Away** (9455511) 6.55-7.00 **Home and Away** (9455511) 7.00-7.15 **Home and Away** (9455511) 7.15-7.30 **Home and Away** (9455511) 7.30-7.45 **Home and Away** (9455511) 7.45-7.55 **Home and Away** (9455511) 7.55-8.00 **Home and Away** (9455511) 8.00-8.15 **Home and Away** (9455511) 8.15-8.30 **Home and Away** (9455511) 8.30-8.45 **Home and Away** (9455511) 8.45-8.55 **Home and Away** 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EC makes lenders police pollution

Clean-up costs force banks to rethink lending

By NEIL BENNETT, BANKING CORRESPONDENT

HIGH street banks are rewriting their lending policies for fear that proposed European Community legislation could leave them with an environmental clean-up bill running into billions of pounds.

A draft EC directive means that banks could be liable for the clean-up costs of their industrial customers, while current British legislation suggests that much of the land and plants the banks have traditionally used as security for loans is worthless or even a heavy liability.

Banks are already reported to be refusing to repossess polluted land or buildings in liquidations for fear that environmental agencies will demand that they pay its clean-up costs.

National Westminster Bank, at the forefront of the latest moves by banks, has sent out new environmental guidelines to its 2,700 branch managers to warn them of the risks involved in lending to companies that pollute the environment. NatWest and other banks are being forced to carry out "environmental audits" of companies before they decide to lend.

The costs of environmental clean-ups are often great, sometimes involving the capping of acres of ground with concrete or purifying hundreds of tonnes of earth and moving waste. The costs of a clean-up ordered by the Nat-

ional Rivers Authority or Her Majesty's Inspectorate on Pollution could drive companies out of business, and lenders fear they will be left to pay for the damage.

Banks may refuse to do business with companies with heavily polluted sites, or order them to clean up or increase the margins on their loans to take account of the environmental risk. An internal report from NatWest states: "Where the risk is too great, prudent financiers will stay away, and neither the national economy nor the environment will benefit."

Banks are desperate to avoid the environmental area becoming another in which they suffer bad debts. The issue was raised 18 months ago in America, where Fleet Factors, a factoring company, was ordered by the courts to pay clean-up costs of nearly \$500,000 at Swainsboro Paint Works, a cloth printer.

Asbestos was found in Swainsboro's plant after Fleet had foreclosed on the company and taken over its plant and equipment. The court decided that Fleet, as Swainsboro's lender, had been able to influence the company's handling of hazardous waste and was liable.

NatWest has set up an environmental management unit, headed by Hilary Thompson, to monitor the implications of new legislation. The subject led Derek Wanless, the chief executive

of its main financial services division, to tell an EC environment conference in Hungary last November that NatWest is already directing its loans to environmentally safer projects. These include double-skinned oil tankers and low noise jets.

The EC's draft directive on civil liability for damage to the environment, which has been drawn up by DGXI, the department run by Carlo Ripa di Meana, the commissioner for the environment, would make companies, and their banks, jointly liable for clean-up costs. The banks are lobbying officials in Brussels to include a secured lender exemption clause to protect themselves, but they have had no success as yet. Mrs Thompson said: "DGXI wants to turn the financial services industry into its environmental policeman."

Banks are also worried about the public registers of contaminated land that are being drawn up by local authorities under the Environmental Protection Act. These, when completed, are expected to list up to 100,000 polluted sites in Britain, most of them in or near large cities.

The value of such sites is likely to plummet. Some could even be rendered worthless and unsaleable when their contamination is revealed. Many of the sites have been used as security on loans.

Comment, page 23

US bank sector still in trouble

From PHILIP ROBINSON IN NEW YORK

THREE of America's largest banks yesterday signalled troubles in its banking industry were far from over.

Citicorp, the biggest in America, forecast last year's results will stage a \$1 billion turnaround into loss when it reports next week. Bad loans at Chase Manhattan jumped last year by a quarter to \$3.37 billion and BankAmerica will have to almost double the amount of assets it was due to shrink under its merger plan with Security Pacific to avoid competition problems.

Analysts expect Citicorp to



Reed: "progress"

unwell up to 10,000 more jobs with the figures on Tuesday when losses could total up to \$475 million against 1990's \$458 million profit. John Reed, the Citicorp chairman, said while progress has been made in the two-year cost cutting programme, this year will remain sluggish.

The bank suspended its 25 cents quarterly dividend in October and last week was believed to have raised \$500 million selling a quarter of its stake in the profitable Saudi American Bank. In the final three months of last year Citicorp raised its loan loss reserve by \$200 million after writing off \$650 million.

At Chase Manhattan, while profit in the final three months of last year fell 30 per cent to \$135 million, annual profits were \$520 million (\$334 million loss).

BankAmerica says regulators have almost doubled to \$7 billion the deposits it will have to shrink after its takeover of Security Pacific to avoid dominating markets in which they competed.

Big fall in consumer borrowing

By OUR ECONOMICS EDITOR

CONSUMER borrowing fell in November to its lowest since the depth of the recession and the Gulf war. The sharp fall in new credit advanced, disclosed yesterday by the Central Statistical Office, provided further confirmation that last summer's improvement in consumer confidence had fizzled out by the autumn.

The CSO said £3.73 billion worth of new credit was advanced by banks, finance houses and credit card companies, a 7 per cent fall on October's £4 billion. There has been only one month since 1989 in which consumers have taken out less new credit. This was February 1991, with £3.5 billion.

The total amount outstanding on credit agreements continued to fall in November as debt repayments exceeded new consumer borrowing. Outstanding credit fell £3 billion in November to £30.41 billion, after a fall of £76 million the month before. The disturbing feature is that the fall in outstanding credit is being achieved through lower borrowing, rather than repayment of past debts.



Cash rich but cautious: Greg Hutchings is seeking acquisitions in Britain

Tomkins on the lookout

By GILLIAN BOWDITCH

GREG Hutchings, the chief executive of Tomkins group, the Smith & Wesson guns to bicycle manufacturer, has £70 million of cash in the bank.

He is on the lookout for further acquisitions in Britain but believes prices being asked are still too high.

Philips Industries of America, Mr Hutchings's last acquisition, for £326 million in June 1990, contributed £17.6 million of the group's 40 per cent higher £43.7 million pre-tax profit in the six months to November 2. Sales rose 52.2 per cent to £594 million. Fully diluted earnings per share rose 9.7 per cent to 9.01p and the dividend is up 15 per cent to 3.22p.

Mr Hutchings said: "Trading conditions for most of our companies remain difficult but unwavering adherence to our proven systems, coupled with the quality of our management teams, enables us to look forward with optimism. I am confident that Tomkins will outperform again even in the current economic environment."

Services to industry contributed £4.8 million, against £5.3 million, and professional, garden and leisure products, which includes Smith & Wesson, made £7.5 million

against £6.6 million. Industrial products saw profits fall from £3.4 million to £3 million and Tomkins Industries, the Philips acquisition, improved from £5.2 million to £17.6 million after a first full six months' contribution.

The group has started the

year with realistic budgets and expects no improvement in the business climate. Matthew Sutherland, analyst at County NatWest, is forecasting per-tax profits of £132 million for the full year.

The shares rose 4p to 438p.

Tempus, page 22

Bush's attack on Europe puts Gatt at risk

By ANATOLE KALETSKY, ECONOMICS EDITOR

THE last-ditch attempt to conclude the five-year negotiations on the Uruguay trade round, appeared in jeopardy yesterday after President Bush singled out the European Community's farm policies for a blistering attack.

As negotiators from 108 countries gathered in Geneva for what was generally considered the last chance for the General Agreement on Tariffs and Trade to settle the transatlantic dispute over farm subsidies, President Bush devoted his first important economic speech since his return from Japan to an attack on European trading practices.

Speaking to farmers in Kansas City, President Bush denounced Europe for "hiding behind an iron curtain of protectionism" and said Europe's policies were particularly damaging to America's farmers. He promised America's farmers he would not sign any deal that put them at "an unfair disadvantage".

While the speech was mainly designed for domestic consumption, it strengthens the hand of American negotiators in Geneva who made it clear they would accept no further weakening of the provisions in agricultural trade in the draft Gatt agreement.

Over the weekend, European trade and farm ministers said they would demand "improvements" and "substantial modifications" in the Gatt draft. And yesterday the EC's Geneva delegate, Trinh van Thinh, said the package presented "serious difficulties for the Community, above all in agriculture."

But Rufus Yerxa, the American Gatt negotiator, made clear that Washington would accept changes to the draft only if these tightened the curbs on farm subsidies and protectionism.

Arthur Dunkel, the Gatt director general, appeared broadly to endorse the American position, saying any substantial attempt to reshape the draft accord could lead only to "an uncontrollable unravelling of the package" and lead to the abandonment of the entire Uruguay round.

Poll ratings, page 1

US dollar 1.7980 (-0.0075)
German mark 2.8351 (-0.0035)
Exchange index 90.2 (-0.2)
Bank of England official close (4pm)

FT 30 share 1894.8 (+20.6)
FT-SE 100 2490.1 (+12.2)
New York Dow Jones 3191.41 (-8.05)
Tokyo Nikkei Avge 21696.86 (-685.04)

INTEREST RATES
London: Bank Base: 10 1/4%
3-month interbank 10 1/4%
3-month eligible bills 10 1/4%-10 1/2%
US: Prime Rate 6 1/2%
Federal Funds 3 1/4%
3-month Treasury Bills 5.94-5.95%
30-year bonds 10 1/2%-10 3/4%

CURRENCIES
London: \$1.8010
€: DM1.8348
Sfr2.5214
FF6.3714
Yen226.36
Index: 90.2
ECU 10.718288
SDR 10.776786
ECU1.262300
New York: \$1.8025
€: DM1.8357
Sfr2.5214
FF6.3714
Yen226.36
Index: 90.2
ECU 10.718288
SDR 10.776786
ECU1.262300
London forex market close

GOLD
London Fixing: AM \$354.90 pm \$353.50
close \$353.50 \$354.40 (£196.75-197.25)
New York: COMEX \$354.35-354.85

NORTH SEA OIL
Brent (Feb) \$17.80 bbl (\$17.65)

RETAIL PRICES
RPI: 135.6 November (1987=100)
* Denotes midday trading price

Pride comes before the money

By DEREK HARRIS

PRIDE and not money seems to be the spur that turns people to running their own business. More than 90 per cent say that despite the challenges of the tough economic climate, they would start up all over again.

That cash is not king is just as well: a study shows that the average self-employed person starting a small business needs to work more than 60 hours a week, while bringing in no more than £6.67 an hour. That compares with the average British wage of £7.30 an hour and a 40-hour week norm.

Yet the study shows that six out of ten owners of small businesses see themselves as something of a breed apart, fuelled by hopes, which at least on cash returns, do not seem wholly to be met. The survey, commissioned by Barclays Bank and carried out last August by Market Research Enterprises, ques-

tioned 400 small businesses set up in the past three years.

Two thirds of them were started because the owners believed that they could do as well as, or even better than, existing businesses in the market. Nearly one in three thought self-employment would offer them better financial prospects than staying in a staff job. There were 27 per cent who thought they had spotted an opportunity that was too good to miss.

Nearly a third of women running their own business said a key factor for going it alone was spotting a special chance in the market. Only a quarter of the men said the same. However, women complained of facing more problems, from not being taken seriously (according to 45 per cent) to sex discrimination by suppliers (faced by 26 per cent) and pressures to stay at home (15 per cent).

More than three quarters of those surveyed emphasised the crucial need

for family and friends to give active support to a fledgling business. More than a third said family life had been affected more than they had expected, while 77 per cent had less time for socialising. Ethnic businesses put the most emphasis on family support.

For 91 per cent, the quality most needed for success was hard work, while 89 per cent emphasised determination, and 87 per cent identified pride.

Nearly half declared there was more satisfaction in being one's own boss, while 22 per cent said they had been frustrated in their previous job. Surprisingly, only 13 per cent cited a need for aggression, and only 9 per cent saw the commercial value of being cunning. The need for intelligence was highlighted by only 21 per cent, though 90 per cent underlined the need for knowledge of the product or service that was being sold, with nearly as many realising the necessity of knowing the market.

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* You should remember that past performance is no guide to the future. The value of investments may go down as well as up and you may not get back the amount you invest.

BCCI case decision expected

By NEIL BENNETT
BANKING CORRESPONDENT

THE Bank of Credit and Commerce International (BCCI) is expected to be placed in formal liquidation in the High Court in London today as negotiations continue between Touche Ross, the bank's administrator, and the Abu Dhabi government over a \$4 billion settlement for its depositors.

The bank went into official liquidation in Luxembourg, where it is registered, at the beginning of the year, and is now likely to be wound up in most of the 70 countries where it once operated.

The liquidation was first proposed by the Bank of England last July, but was postponed to allow Touche to try to negotiate a rescue or compensation package with the Abu Dhabi government, the bank's 77 per cent shareholder. If a deal is agreed, the first payment of 10p in the pound could be made next year.

A High Court liquidation order will trigger the Bank of England's compensation scheme, paying 75 per cent of deposits up to £15,000. Many of BCCI's British depositors have already been compensated by a scheme funded by the Abu Dhabi government.

Jacques Vert falls £1m into losses

By GILLIAN BOWDITCH

SHARES in Jacques Vert, the ladies fashion group, fell 40 per cent to 116p after the group surprised the City with news of a £125,000 half-year loss against profits of £1.2 million. Sashi Mylvaganam, finance director, is on suspended leave and the interim dividend is halved to 2p.

David Tiedeman, managing director, said the situation regarding Mr Mylvaganam was in the hands of the company's solicitors and he was constrained as to what he could say about the matter but emphasised there was no question of personal or criminal malpractice involved.

Mr Tiedeman said the first time the company as a whole knew of the extent of the trading position was at a meeting where a detailed report of the interim results was given.

Jacques Vert has brought in an outside accountant to investigate the financial position but the group does not expect any further surprises.

Sales for the six months to October 26 fell 2.6 per cent to

£19.7 million and the loss per share is 0.8p compared with earnings of 8.1p. Jack Cynamon and Alan Green, the joint chairmen, have waived their entitlement to a dividend on the 57.9 per cent of the shares they own. As a result, the dividend payment will absorb only £80,000.

The £100,000 loss was made up of £1.01 million reduction in gross profit, a £490,000 increase in overheads and a £140,000 reduction in net interest payable that fell to £368,000.

The fall in gross profit is partly due to lower sales and partly to a 3.9 percentage point fall in the gross margin to 39.5 per cent. The group says the fall in both gross and sales margins reflects extremely tough high street conditions since March 1991.

Mr Tiedeman said the group expected to break even for the year as a whole and was operating comfortably within its banking facilities. Gearing has fallen from 65 per cent to 51 per cent.



Hands full: Jack Cynamon (right) and Alan Green

Trinity to sell paper division

By MARTIN BARROW

TRINITY International Holdings, a regional newspaper publisher, is selling its paper and packaging division to Danish Paper Packaging for about £27 million.

The disposal will enable the group, which is based in Chester, to concentrate on newspaper publishing in Britain and North America. Last month, Trinity was one of four potential bidders for Southern Newspapers to withdraw its interest, despite trade department clearance.

Trinity has two paper mills at Bolton and Bury, Greater Manchester, and packaging plants at Stoke on Trent, Grimsby and Sandy, in Bedfordshire. These are expected to contribute profits of about £3.5 million in 1991.

David Snedden, Trinity's chief executive, said: "To stay where we were, in terms of market share, would have needed a considerable amount of capital investment. The outlook for getting a decent return on it was not promising."

Cash from the disposal will be used to strengthen the balance sheet. The company said it was still looking for acquisitions in the newspaper sector.

HongkongBank in Euro-venture talks

HONGKONG and Shanghai Banking Corporation is in talks with leading continental banks to establish a joint venture and increase its presence in Europe. The bank has denied, however, that it is planning to sell its 14.9 per cent stake in Midland Bank.

HongkongBank bought the stake in Midland in 1987, but called off merger talks in December 1990, when the extent of Midland's financial problems became clear. At the time HongkongBank said it would remain a long-term investor in Midland, and William Purves, the corporation's chairman, remains on Midland's board. HongkongBank would suffer a loss of more than £100 million if it sold the stake on the open market today.

Real Time slows 23%

REAL Time Control, the computer keyboard and electronic point-of-sale equipment group, suffered a 23.3 per cent drop in pre-tax profits to £507,000 in the 26 weeks to end-September. Turnover fell 31.1 per cent to £3 million, although the Watford group blames this decline on the timing of deliveries from year to year. In America, business levels remained depressed and a small loss was sustained. The company said it has entered the second half with a good order book. Earnings slip from 6.1p to 4.9p per share. As usual, there is no interim dividend. The USM-quoted shares eased 3p to 98p.

Lowe cuts loss

REDUCED gearing and better cost controls helped Robert H Lowe, the Cheshire leisure to babywear group, to reduce pre-tax losses from £453,000 to £297,000 in the year to end-October, on turnover of £34 million, up from £33.6 million. Trading profit doubled from £603,000 to £1.23 million. Gearing was halved to 97 per cent and interest payments dipped from £1.86 million to £1.53 million. The loss per share rises from 9.1p to 11.2p, and there is again no interim dividend. The shares were unchanged at 10p.

Dalepak raises payout

DALEPAK Foods, the frozen food producer, is raising its interim dividend from 1.2p to 1.5p after its first-half pre-tax profits soared from £1.2 million to £1.71 million in the six months to end-October. Earnings jump 45 per cent to 10.13p per share. Turnover edged up from £21.1 million to £21.2 million, mostly provided by the two main frozen food businesses — Dalepak and Fawcetts. The company said the annual results were expected to show "another year of excellent growth". The shares firmed 2p to 280p.

Dakota stakes raised

THREE directors of Dakota Group, the Irish printing and packaging group quoted on the Unlisted Securities Market, have acquired 4.2 million shares in the company from David Galavan, the former chief executive, at 21p a share. The directors, Colum Kelleher, Brendan Mowles and William Carille, own 18 per cent of the company after the purchases. Mr Kelleher becomes the new chief executive.

Fletcher King dives

FLETCHER King, the commercial property agent, suffered a 75 per cent fall in interim pre-tax profits to £108,000 for the six months to end-October, from £433,000 previously. The interim dividend has been cut from 1.8p to 0.5p. David Fletcher, chairman, said it was still too early in the property cycle for him to be able to say that the worst is over.

Ford seeks higher UK productivity

By KEVIN EASON
MOTORING CORRESPONDENT

FORD's senior European manufacturing executive has warned workers at the company's British car plants they must radically improve productivity as the business tries to recover from losses of more than £1 million each day.

Albert Caspers, Ford's European vice-president for engineering and manufacturing, called union leaders together to spell out an agenda for raising efficiency levels by as much as 30 per cent at the Dagenham, Essex, plant. Ford's second big plant at Halewood on Merseyside has also been set new efficiency targets to try to equal productivity levels in the company's sister plants in Germany.

A Ford Fiesta takes Dagenham's 6,500 body and assembly workers about 46 hours to



Caspers warned unions complete compared with 29 hours at Cologne. At Halewood, new quality targets have been set to allow Ford to export the Escort model, previously only built to satisfy demand in Britain.

Mr Caspers has ruled out closure of Dagenham as one option for Ford to cut its losses after a disastrous year in the worst British market for a decade. He is understood to have told unions Dagenham's performance must improve by leaps and bounds if the plant was to retain its position as one of the company's biggest European manufacturing centres.

There has been little respite for Ford during the recession of the past two years. After sinking to the first pre-tax loss for 20 years in 1990 of £274 million, last year sales fell by more than 121,000 cars, worth more than £900 million at showroom prices. Last year's loss is expected to exceed 1990's.

There was one triumph for Dagenham last year with exports rising to more than half of daily output of 1,180 Fiestas. The performance highlighted rapid quality improvements made at the plant which were enough to convince continental showrooms British-made cars were as good as those from Germany.

In spite of efficiency improvements, the two big British plants still lag well behind productivity in the rest of Europe. Figures compiled by Nikko Securities show workers at Rover and Peugeot are producing 14 cars per man per year, Volkswagens 12, but Ford UK only eight.

The scale of the task is underlined by Nissan's performance at its new factory at Washington, Tyne & Wear, where the figure is 75 cars per man annually.

Dispute at O&Y may go to court

By MATTHEW BOND

THE dispute between Olympia & York, the Canadian developer of Canary Wharf, east London, and Morgan Stanley, the American investment bank, will go to the High Court unless the two companies reach agreement.

Both firms said there was no disputing the option agreement requiring O&Y to buy the 500,000 sq ft building Morgan Stanley has built at Canary Wharf. Nor was there any dispute about the price, likely to be well in excess of £100 million. But the companies disagree over timing. O&Y said the option to buy would be completed in June, while Morgan Stanley believes it should have been completed in January.

Despite the dispute, Morgan Stanley will have moved 1,400 staff to the Canary Wharf office in a fortnight. Credit Suisse-First Boston, an American bank also developing its own offices at Canary Wharf, reconfirmed its commitment last August, when it acquired a long lease from O&Y. It is due to move in next year.

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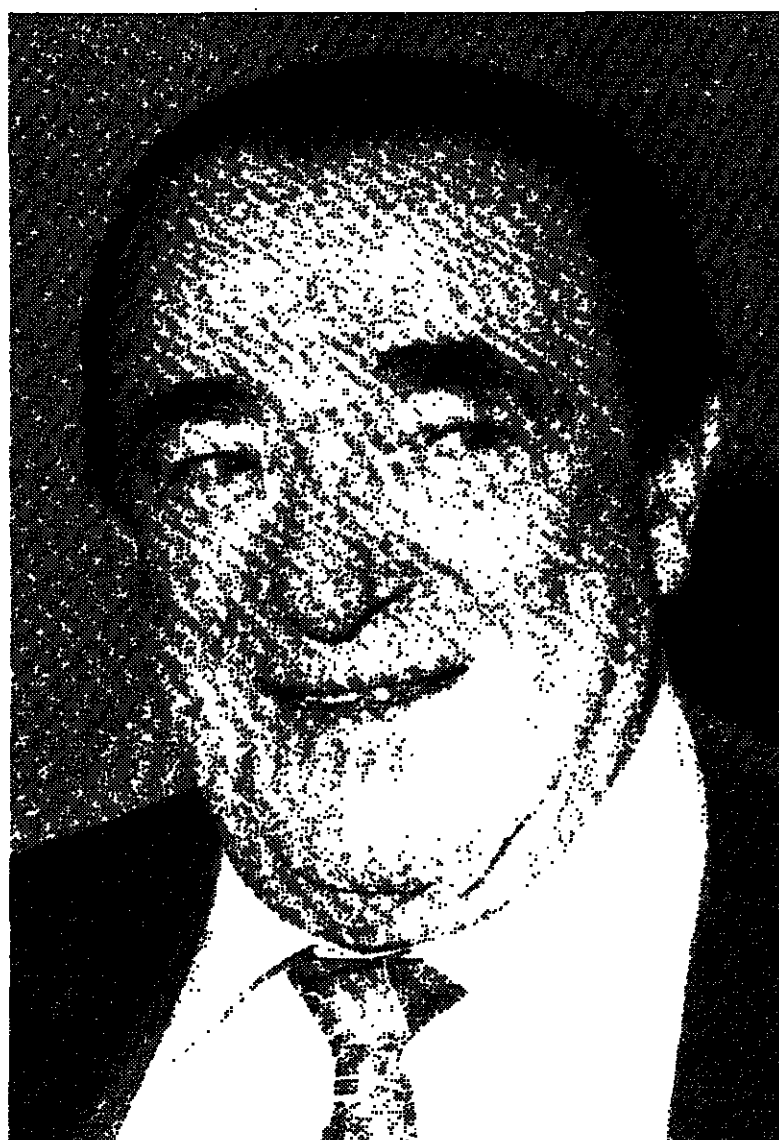
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TRADE INDEMNITY

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Bromsgrove makes £14m agreed bid for GW Thornton

BY MATTHEW BOND

BROMSGROVE Industries has launched a £14.6 million agreed bid for GW Thornton, the Sheffield engineering group that makes aerospace components and claims to be the world leader in the manufacture of components for artificial hip and knee joints.

Bromsgrove, the engineering conglomerate run by Bijan Sedghi, yesterday also announced the terms of a one-for-four rights issue that will raise £10.8 million after expenses.

The new shares have been priced at 105p and the issue has been underwritten by Albert E. Sharp, the stockbroker. The proceeds will be used to reduce debt and to finance expansion and investment.

Bromsgrove's bid for Thornton was not a surprise, coming as it did less than a week after dealings in the shares of both companies were suspended at the same time. Yesterday, Thornton's

shares rose from the 150p suspension price to 203p, 3p above the cash alternative being offered to Thornton shareholders by Bromsgrove.

The terms of the share offer are seven new Bromsgrove shares for every four Thornton shares. With Bromsgrove shares returning from suspension 2p lower at 129p, the bid values each Thornton share at just above 216p.

Bromsgrove has irrevocable acceptance to its bid from shareholders controlling 54.5 per cent of Thornton's equity, including 44.5 per cent who are committed to the Bromsgrove offer even if a higher rival offer is made.

If all Thornton shareholders opt for the share offer, they will own around 20 per cent of the enlarged Bromsgrove group.

Mr Sedghi said the Thornton acquisition would fit well with Bromsgrove's specialist engineering businesses. It

takes Bromsgrove into the precision forging of renewable aerospace components for the first time, and also into medical engineering.

Last month, Bromsgrove paid £1.8 million for Imbach, which took the company into environmental engineering for the first time.

Thornton's strong overseas sales should lift the proportion of Bromsgrove's turnover earned overseas to approximately 40 per cent. Mr Sedghi said that his eventual target was for more than two-thirds of sales to come from overseas.

Mr Sedghi added that Bromsgrove's strategy had not changed: "Our strategy is to remain in the specialist engineering niche. We are very specialist and very much engineering."

Bromsgrove planned to pay a final dividend of 2.5p for the year to end-March, making a total of 4p (3.9p).

Excalibur still sharp despite slump

BY PHILIP PANGALOS



Tough times: Michael Griffiths and his brother, Richard, who is managing director

FIRST-HALF profits at Excalibur Group, a company with activities ranging from jewellery to merchandising and engineering, held up relatively well, despite depressed conditions in many of its markets.

Pre-tax profits dipped from £2.05 million to £2.01 million in the six months to October 31, on turnover 9 per cent higher at £33.4 million. Exports accounted for nearly a fifth of sales and Michael Griffiths, Excalibur's chairman, expects them to grow further.

He said exposure to Rainers, the troubled high street jewellery chain, had not had an appreciable effect on the group. Excalibur depends on Rainers for only £4 million of annual sales, compared with a total of about £65 million.

Closure costs were largely responsible for an extraordinary charge of £993,000. Earnings slipped from 3.4p to 2.4p a share, but the interim dividend stays at 0.4p.

Mr Griffiths admitted that conditions were tough, although he said there were some "bright spots". Recovery would be driven by an upturn in consumer spending. "We are not despondent," he said, "we are probably in the leanest shape since 1987."

Building designer is halted

BY JONATHAN PRYAN

SHARES in Company of Designers, the loss-making building design practice that is quoted on the Unlisted Securities Market, were suspended at 7p yesterday pending a financial reconstruction at the company.

The company has been struggling since 1989 when it was hit by a series of disastrous computer failures.

Last year, the company lost £2.5 million. At the interim stage in the current year a pre-tax loss of £317,000 was reported. A further announcement is expected from the company this week.

Company of Designers came to the stock market priced at 100p per share just after the market crashed in October 1987.

The company specialises in the supply of design services to the building industry, including architectural, consulting engineering and support services.

The small and diminishing design and architecture sector has been one of the hardest hit by the effects of the recession in the building industry.

Strike threatens German steel

FROM REUTER IN FRANKFURT

GERMAN steelworkers are preparing for their first strike in more than a decade after the collapse of last-ditch pay talks with management yesterday.

The dispute is likely to set the tone for this year's round of wage talks, which are crucial for an economy bearing the burden of German unification.

IG Metall, the main steel industry union, which has been pressing for a pay rise of more than 10 per cent, rejected an offer of an average 5.2 per cent increase for the year from last October. Lorenz Brockhues, the chief union negotiator, said the union's board would meet today to set a date for a strike ballot. The steel industry has not been involved in a strike since 1978-9.

The union, seeking a 1.1 per cent rise in the base wage and a further 10.5 per cent on top, had threatened strike action before the failure of the last-ditch talks yesterday. The management agreed in part to the 1.1 per cent basic rise, but said it was limited to lower-paid, blue-collar workers.

The government and the

Bundesbank have campaigned strongly for wage moderation this year to ensure that pay rises do not exceed productivity growth just when Germany needs all available resources to help finance eastern German reconstruction.

The current steel pay talks are technically the tail-end of the 1991 wage round but, as the dispute drags on into 1992, financial markets increasingly believe that this settlement will send a signal to the rest of industry for this year's pay round.

"The delay in reaching an agreement has made these talks the opening negotiations of the 1992 pay round," said Thomas Mayer, German economist at Goldman Sachs, the financial house. "It will set a yardstick for other talks, particularly in the public sector."

The calls for moderate 1992 deals have not yet encouraged unions to lower their sights. Banking unions say they plan token strikes from this week to support their 10.5 per cent wage claim. Public service workers are claiming pay rises around 10 per cent.

Ice lolly makers survive parent's cold shoulder

BY MARTIN WALLER

INDUSTRIAL archaeologists of the future will chance upon a rich haul if they excavate a small ice cream factory in Crossgates, Leeds. Their discovery, however, will paint an unhappy picture of business life in the late 20th century.

The foundation stone of the new £5 million Treats Ice Cream works was laid last week over a time capsule recording the events at Crossgates over the past year, which began with the attempted closure of the company by its erstwhile parent Unilever, the Anglo-Dutch food giant.

The shutdown was thwarted by a management buyout, at first opposed by Unilever. The traumatic events leading to the rescue are chronicled in a sheaf of press cuttings and quotations from the 350-strong workforce buried in the capsule.

The workers' comments on Unilever, its Birds Eye

Walls business that owned Treats, and Allan Price, the Birds Eye chairman who carried out the initial sentence of execution, are predictably trenchant. However, they provide an inside view of a depressingly common event: the closure by a remote multinational of a small plant providing a community with its main source of employment.

The book of quotations, compiled by the Yorkshire Arts Circus, details the campaign by the ice cream trade, the employers, the unions, the council and local representatives such as Denis Healey, the MP, and Michael McGowan, the Euro-MP for Leeds, to reverse the closure.

The decision to close a company with a £17 million turnover and £3 million of profit came because Birds Eye Walls felt it could not justify investing £5 million in a new factory to bring production up to European standards. The workforce took the view that the aim was to wipe out what was seen by Unilever as a competitor to its Walls ice cream brand.

The buyout plan, accepted two weeks after the announcement of the closure, involved two financial institutions guaranteeing the £5 million factory that Unilever had refused.

What comes out of the interviews with the workforce, most of them untutored in the ways of the multinational corporation, is the gulf between the man or woman on the ice lolly conveyor belt and the owner. One employee says: "I didn't even know I was part of Walls till they tried to kick us into touch."



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Recycling liabilities

Accountancy firms and other specialists in "green audits" must be rubbing their hands at the European Community's latest attempt at environmental bureaucracy. Whether or not the latest draft proposals from Brussels are an appropriate use of Community powers, they certainly look a neat way of forcing the financial community to take pollution seriously. If banks find themselves liable to stand behind their clients' clean-up bills on land or industrial assets, they will be extremely careful about lending to such projects. The message will be particularly clear in Britain, where the risk of ending up in possession of security on default is at the forefront of bankers' minds.

Even without the EC, the legal trend is clear from American experience. There remains an enormous difference between a European Commission draft and an EC directive, but chances are therefore that something embodying the principle will eventually become Community law. Before allowing that governments should consider the way lenders are likely to behave. To start with, any Euro-legislation must not be retrospective. The last thing banks need at the moment is another source of losses or another excuse not to lend. Second, it must account for lenders' likely attempts to avoid the implications. Otherwise, new financial instruments will be set up to avoid liability and would-be borrowers would face the bizarre prospect of being offered money only on condition that there is no security, which would ultimately undermine banks in a different way.

Given the recent experience of insurers, such risks will be expensive to lay off. If loopholes are closed, there is therefore a threat to the level of funds available for many an industrial investment. Only after these implications have been thoroughly thought through should banks be set up in their attractive potential role as the Community's new environmental policemen.

Oil blip

There is nothing like political upheaval to upset oil price calculations. The price has been slipping steadily for months. Brent crude fell below \$22 a barrel at the end of October, passed \$21 a month later and, by last Thursday, had reached a ten-month low of \$16.85. Suddenly, the movement has gone into reverse, pushing the February price back up to \$17.81. Venezuela unilaterally declared a modest cut in production to stem the downward tide ahead of an emergency Opec meeting, aimed at persuading some or all members to do likewise. The meeting, scheduled for February 12, has spawned judicious advance rumours of an agreement on cuts. Algeria, one of the countries to call the meeting, has, however, provided a swifter way of achieving higher prices, even though it is unlikely to be an immediate source of oil supplies.

The downturn in recent weeks reflected the failure of an expected hard winter to materialise. Instead, America has been basking in unusually mild weather. More basically, Saudi Arabia is reluctant to turn off the extra production it delivered to compensate for losses from Kuwait and Iraq since the Iraqi invasion. That policy has been echoed in other less important producing countries that now regard the extra revenue as vital for their economies. Price trends would have been much worse if Iraq and Kuwait had returned to the market at anything like their old levels and if the Russian pipeline was not rusting up. Low oil prices are just what America's economy needs for a short-term boost to consumers' spending power. Thus far, the \$1 a barrel rise in two days looks more like a blip than a change of trend.

Consumers stand to win at the expense of investors under Labour

A Labour election victory would put pressure on the prices of privatised and popular shares, says

Martin Waller

At the time of last year's "prawn cocktail" offensive in the City, the Labour party met the two Scottish electricity companies to talk about its plans for the privatised industry, should the party achieve success in this year's general election.

The main plank of Labour's plans for electricity was the renationalisation of the national grid, giving the government control over the heart of the system, the delegation explained. The Scots, like the rest of the industry in Britain, would have to forgo the large dividend payments from the national grid that have boosted profits since privatisation. However, there were no plans, Labour said reassuringly, for full-scale renationalisation.

The Scots then pointed out, as gently as possible, that the national grid sits at Hadrian's Wall and they have their own, entirely independent transmission system.

A Scottish power company official said: "They said, 'Oh, really?' looked a bit puzzled and went away again. We haven't heard from them since." The anecdote seems to confirm the view that politicians of any party are on happier ground with the broad policy statement than with the more precise approach.

The BT share sale last year was dominated by two linked uncertainties, regulatory and political. What pressure would the regulator of the industry put the company under in coming years, and what were the chances, if you bought the shares, that a Labour government would change the goal posts or even buy them back a few months hence?

Clause four of Labour's constitution, which pledges common ownership, is open to interpretation, the party now says. Something of an embarrassment to the leadership, it is not much discussed these days by the researchers at Watworth Road.

Full renationalisation is not on the agenda. Buying all the utilities back at today's market prices would instantly wreck the incoming government's fiscal policy and financial credentials. Buying them back at the flotation price of 130p, against a current market price nearer 320p, would alienate the mass of Britain's 12 million private shareholders.

Until a couple of years ago, Labour policy envisaged regaining control of such utilities by stripping the voting rights from shareholders, who would continue to own the companies and receive dividends. That idea has also been dropped.

There is still one residual pledge of renationalisation: of the water industry. Even here, however, Labour has conceded that this would not happen in its first full term. The party's policy on the ten privatised water companies in England and



Watchdog day: (Clockwise from top left) the four utility regulators, Ian Byatt of Ofwat; Stephen Littlechild, Ofwat; Sir Bryan Carsberg, Ofwat; and Sir James McKinnon, Ofgas

Wales depends on half-formed plans to decentralise power from Whitehall out to regional governments. The latter would take over the running of the water industry by an as yet unspecified means. However, regional governments will have to wait for a second Labour term.

Labour claims, with some justification, that the much-criticised blueprint for the privatised electricity industry provides no coherent structure to ensure security of supply or foster energy conservation. Its purchase of the National Grid Company, owner of the transmission system by which power moves from the generators to the regional companies, is aimed at rectifying this. Once again, there is no clear method of taking control, whether by straight decree or by purchase at the market price, and no indication as to how it will be paid for.

One option considered by Labour is raising the money by selling the Treasury's remaining 40 per cent

stake in the two generators, worth about £1.9 billion at today's prices. The energy department has put a £2 billion price tag on the grid.

More damaging than such uncertainty for the generators would be a requirement, once the existing contracts cease in March next year, to continue to take British Coal output at above world prices. This would deprive them of cost savings and may see more power station closures. For investors in the distributors, the level of compensation for their stakes in the national grid would be critical. They draw £105 million in dividends from the grid, which in turn pays about 30 per cent, on average, of their own dividends. Nigel Hawkins, of Hoare Govett, says that share prices rest on the expectation of higher dividends, thanks to existing dividends being covered three times by available income. South Western Electricity

has virtually promised 9 per cent dividend growth over the next few years. Assuming compensation that roughly replaces the income distributors draw from the national grid, most stock market analysts think a tighter regulatory control on prices would be more damaging than renationalisation of the grid.

Given the limited plans for resuming state financial control, Labour's approach to privatised industries would rely heavily on regulation. This is intended to centre on the as yet unborn Consumer Protection Commission, which will replace and extend the powers of the four utilities regulators: Ofwat, headed by Stephen Littlechild; Ofgas, under Sir James McKinnon; Ofwat, under Ian Byatt; and Ofwat, under Sir Bryan Carsberg.

The relationships between the latter and their associated industry vary between wary good humour in the case of water and power and outright hostility between British

Gas and Ofgas. If rhetoric means anything, the price regime would be tougher under Labour. Water companies can expect to have to spend more on anti-pollution measures, and real dividend growth will be restricted. They can also expect reduced limits on the extent to which they can raise prices to the consumer to pay for new capital spending requirements. Regional electricity companies can look for much the same. The City expects tighter purse strings after an unfavourable review of the regulatory limits due in 1994-5. Recent moves by the regulators seem, however, to have anticipated Labour's desire to make the utility pipes squeak.

For British Gas and BT, a Labour regulatory body would concentrate on standards of service to the consumer, at the companies' expense. BT is already in Labour's bad books because of the chairman's salary and the large profits it generates as Britain's biggest corporation.

However, there is an argument for thinking a Labour government might not be the worst option. Fears over increased competition has held back the share price of British Gas and BT, which is under attack from Mercury, the Cable and Wireless offshoot, and local competition from cable companies.

Gas is under threat from the Office of Fair Trading, which wants to reduce the company's overwhelming share of the market for business customers and to hive off the distribution system to allow competitors easier access. The Monopolies and Mergers Commission may be called in at any moment.

Competition is unlikely to be as close to the top of Labour's agenda as it has been to that of the Tories, and it is possible that monopolistic utilities may be left unhindered by rivals, if not actually featherbedded as they were in the public sector. A company such as BAA might even benefit from Labour's desire to emulate the French policy of promoting national champions.

Such sanguine views are not shared by Laurence Heyworth, at Robert Fleming Securities, who believes Labour is more likely to sell the government's remaining 22 per cent stake in BT, which serves little useful purpose, and then allow the free market to do its worst, within the framework of a regulatory system that Labour claims will offer the toughest price regime in Europe. Downward pressure on prices would be matched by upward pressure on BT's costs to achieve various Labour social and industrial objectives, all adding to pressure on profits.

For Gas, Ian Graham, at County NatWest, thinks Sir James is already doing a tough enough job for Labour's purposes. "If you are looking for stocks which would be hit under Labour, I wouldn't put Gas in there. It's unlikely it would be very much worse at all."

Any wholesale return to the public sector is unthinkable. A Labour government would none the less put pressure on the share prices of some of the country's most popular stocks.

THE TIMES CITY DIARY

France takes option to retire

HARRY France, jovial head of Credit Suisse Asset Management and without whom London may never have had a traded options market, is retiring after 31 colourful years in the Square Mile. France, who joined Buckmaster & Moore as a dealer in 1961 and was made senior partner seven years later, sat on the committee that paved the way for the birth of a formal options market in 1978. "We were sent to Chicago and suggested a separate market for London," says France, aged 60, who was elected to the Stock Exchange council in 1974. "But there was a Labour government at the time, and prime minister Harold Wilson saw an options exchange as gambling with men's jobs."

France, who lives in the Midlands, now plans to advise one or two local companies on the financial world. Angus Samuels took over as chief executive in September, and John Moore, a former cabinet minister, becomes chairman.

HEADLINE in the Dispatch, published in Gilroy, California: "Socks fall amid interest rate worries."

Dollar strategy

BERKELEY Govett, the fund management house that is listed in London but reports in dollars, has strengthened its American image by poaching a top-ranked team from Continental Bank. John Hess, John Lowing and Ian Simpson were part of Continental's European placement team — a job that involved



designing customised investment packages for companies and will advise Berkeley Govett on investment strategy. It is thought to be the first time a fund manager has recruited such a team.

Offices to let

ON THE wrong side of City regulators? Now, at last — a chance to win their hearts forever. In a report on fees, published yesterday, the Securities and Investments Board less slip that its largest single expense — office accommodation — remains a nasty thorn in its side. The SIB staff have been moved under one roof to bring costs down, but the regulator has been unable to let its former offices in the Royal Exchange for the four years of the lease that remain.

Real world analyst

MOST top-ranked analysts who switch to a rival firm do so within weeks of handing in their notice. It has taken Doug Hawkins four years, however, who ran James Capel's electricals team in the Eighties, to join Smith New Court to fill the hole left

by the departure of Mike Styles and Keith Sykes who are now at Credit Lyonnais Laing. When he starts on March 2, it will be with a healthy respect for the "real" world. Hawkins quit the City in 1988 to run Office & Electronic Machines, a company that has had its ups and downs, but found he was missing the Square Mile. "It has been an exciting time to be exposed to the British economy," says Hawkins, who will be working closely with Mike Sperring, chairman of UK Equities, and Chris McFadden, a salesman on the electricals desk.

Monkey business

THE Chinese new year is not until February 4. But Sir John Bannham, director general of the Confederation of British Industry, will have an early taste of some crispy ban-ban duck tonight when he joins Hongkong Bank's treasury team for its annual dinner in honour of the festival. Sir John will join 30 executives and corporate treasurers at Mosmann's, a private club off Belgrave Square, central London, which has dropped its European menu in favour of a Chinese selection. Tim O'Brien, Hongkong Bank's chief executive officer UK, and Guy Heald, head of the treasury division, will be among those tucking into conchommes with quails eggs and other delicacies. We are moving from the year of goat to the year of the monkey — a creature which in Chinese folklore is mischievous, high-spirited, devious, selfish, inventive, original and opportunistic.

JON ASHWORTH

BUSINESS LETTERS

Bad dreams for Lloyd's names

From Mr R.C. Dutton-Forsshaw

Sir, All members of Lloyd's of London clearly understood when we joined that we might be in for every last penny. However, in our wildest dreams we never anticipated the present nightmare scenario, which is gradually bleeding so many people to death. I refer to the present forward Cash Calls that arrive with little or no warning, asking for payment within an extremely short time.

At the same time we have the briefest of information as to what is really happening

or, indeed, what further Cash Calls may be necessary. The only information we receive is when the syndicate's overdraft limits are reached, and then they immediately fire off a letter asking for more cash to help them out.

Lloyd's has already lost one-third of its names in the last year — unless they can address themselves to this present disastrous state of affairs, there will soon be very few of them left.

Yours faithfully,
R.C. DUTTON-FORSHAW,
Palladium Lock Farm,
Pulborough, Sussex.

Rich pickings from high-flying debt

From Mr Basil Course

Sir, Creditors of Windsor Safari Park might take heart from the experience of the then, Westminster Bank Brussels some years ago. The local court gave leave for the seizure of a debtor's assets. All he had of value was a collection of some 200 parrots, but when the bailiffs arrived they found that the birds had been driven away to the safety of Switzerland, the rest claimed diplomatic immunity, and the British military attaché who was unaware how his hospitality was being abused. Through the good offices of the Foreign Office

the birds were soon placed into the care of Antwerp Zoo. In their new quarters they thrived, and so successful were their breeding activities, they covered their keep and repaid their former owner's debt including interest, legal fees and all other expenses.

Cork Gully may need to subscribe, as we did in the bank, to appropriate specialist magazines for as long as the animals remain their responsibility and afterwards may dine out for years, as I did, on the full story.

Yours faithfully,
BASIL COURSE,
5 Orchard Way,
Kensington, Kent.

Two ways of emulating King Midas

From Mr D.K.L. Morgan

Sir, The heading to your feature on the Business Comment page ("High street Midas who lost his golden touch", January 7) was more apt than Gillian Bowditch appeared to realise. In view of Gerald Ratner's comments to the Institute of Directors on April 23, it is perhaps worth

remembering that the ancient legend of King Midas did not only refer to his golden touch. It also informed us that he had asses' ears — although it did not tell us what he had between them.

Yours faithfully,
D.K.L. MORGAN,
365 Maidstone Road,
Gillingham, Kent.

We take pleasure in announcing that the following have been elected Managing Directors

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Finance, Administration and Operations
David B. Gendron

Fixed Income Division
Anne F. Adamczyk **Erich H. Pohl**

Investment Banking Division
Charles G. Stonehill

Morgan Stanley Asset Management
P. Dominic Caldecott

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Rigorous Interviews

The interview is often seen as a fixed routine that in essence never changes. This view is misleading. It is true that interviews are all much the same in their form or structure: their content, however, varies considerably according to the state of the market. I wrote this in 1986 (p 58, *Managing Your Career in the Law*) when candidates could pick and choose their interviews. Unfortunately, the balance of supply and demand has changed fundamentally. This has affected not only the content of interviews: their form too is changing. In particular, the administration of tests is becoming more frequent.

A newly-qualified solicitor recently spent a whole day with a prospective employer answering a wide range of legal and non-legal questions, including questions on mathematics. Another young solicitor was engaged in role-playing, taking the part of a solicitor confronted with a variety of difficult clients. An experienced equity partner with a well-known London firm was taken aback when a first interview he attended consisted of a two-hour written test asking him how he would deal with five complex legal problems. From discussions with employers it is apparent they are influenced by a candidate's approach to problems almost as much as by the correctness of the answers. The use of psychometric testing is also increasing.

The only advice we can give to candidates is to accept that interviews have become more rigorous, be prepared to be tested, and respond to any tests willingly and with enthusiasm.

Michael Chambers

INDUSTRY & BANKING

Engineering: Midlands
Commercial lawyer to join high-profile international manufacturing co. to £35,000 + car.

Leisure: London
Lawyer, 1-3 yrs' commercial (& property) exp, for well-known leisure group. to £35,000.

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Company/Commercial: City
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Shipping Litigation: Hong Kong
Exciting opportunity for 1-2 yr qual solr to join HK office of City firm. Relevant exp required.

Company/Commercial: Middle East
Mid-East office of leading City firm seeks solr, 1-4 yrs qual, for corporate, banking & finance work.

Commercial Litigation: City
Rapidly growing City office of top provincial firm seeks litigator, min 3 yrs qual. to £30,000.

Construction Law: Holborn
Non-contentious const lawyer, 2-5 yrs qual, to join leading firm with growing const practice.

Commercial Lawyer: Midlands
Lawyer, 2 yrs' exp, to handle joint ventures & acquisitions for expanding international co.

Corporate Lawyer: London
Lawyer, 2-3 yrs' exp, for international media group. Acquisitions & disposals. c. £30,000.

Commercial Lawyer: West London
International manufacturing group needs exp'd commercial lawyer to join legal dept. c. £30,000.

Locum: South East
Solicitor, with conveyancing & litigation exp, to handle mortgage repossession work.

Patent Agent: Home Counties
Patent agent for well-known international hi-tech co. Some overseas travel. c. £35,000 + car.

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Group Legal Adviser

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Our client is a highly successful quoted plc at the forefront of the paper and packaging industry, and with an annual turnover in excess of £360 million. Its financial strength and commitment to further growth, both organically and through a programme of acquisitions, places it in an excellent position to maintain its standing as a market leader.

Continuing success has led to the decision to appoint a Group Legal Adviser. Reporting to a Group Board Director, the chosen applicant will be heavily involved in all aspects of our client's business. Specific responsibilities will include:

- Negotiating, drafting and advising on wide ranging contracts, commercial agreements and corporate matters
- Personnel/employment law • Servicing the company's property portfolio • Liaison with external lawyers.

A broadly based and challenging role, applications are invited from commercial lawyers, ideally in their mid 30s, with a minimum of five years' post qualification experience. This experience may have been gained either in industry or private practice. A committed and practical individual, the successful applicant must have the ability to work well with people at all levels. International legal experience will prove an advantage.

The remuneration package reflects the fact that this is a key appointment within the Group.

As our client's requirement is immediate, interested applicants should telephone Mary Canning on 071-831 2000 or fax their curriculum vitae (including details of current salary and benefits) to her on 071-831 6662. Alternatively, curriculum vitae may be posted without delay to her at Michael Page Legal, Page House, 39-41 Parker Street, London WC2B 5LH. Details will be held in strictest confidence and will not be forwarded to our client without express prior permission.



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THE BRITISH INSTITUTE OF INTERNATIONAL AND COMPARATIVE LAW
DIRECTOR OF STUDIES
AND DEPUTY DIRECTOR

The British Institute of International and Comparative Law proposes to appoint a Director of Studies and Deputy Director as part of the expansion of its senior staff. Applications are invited from candidates with suitable experience, whether academic or practical, who can show a specialist interest in one or more of the Institute's fields of work.

THE INSTITUTE

The Institute is an independent, self-governing body founded in 1958 from the merger of the Grotius Society, and the Society of Comparative Legislation. It is a centre for research, discussion, training and publication in public and private international law, comparative and European Community Law. The Institute publishes the *International and Comparative Law Quarterly* and the fortnightly *Bulletin of Legal Developments* as well as monographs and other volumes derived from its research and meetings programme.

A particular emphasis is placed on the practical application of law and the Institute has always provided a bridge between academics and practitioners in private practice, government legal service or the judiciary. This is achieved in part by the range of workshops and conferences organised by the Institute to illustrate law and principle in action and in part through specialist research and publication and the facilities of the Institute's own working library.

The Institute currently has a staff of fifteen apart from the newly created vacancy. The staff consists of the Director, the Editor, the Director of the Commonwealth Legal Advisory Service, two specialist Fellows, three Research Officers, the Librarian, the Assistant General Editor of the *ICLQ*, and five administrative staff.

THE POST

The duties of the Director of Studies and Deputy Director will include -

- (1) responsibility for a programme of research, publications and meetings in one of the fields of the Institute's work i.e. public international law, conflict of laws, European Community Law, comparative law, with particular emphasis on the practical application of law to contemporary problems. This would be carried out in conjunction with the pursuit of the candidate's own research;
- (2) deputising for the Director in relation to the planning and administration of the work of the Institute;
- (3) representation of the Institute at its own meetings, and those of other institutions in the UK and overseas;
- (4) supervision of research staff;
- (5) supervision of the maintenance of the Library in the candidate's specialist field.

SALARY RANGE: At the appropriate point on the University Lecturer or Professorial scale, including USS pension benefits.

STARTING DATE: April 1992, or such date to be agreed.
Applications with a curriculum vitae and the names of two referees should be sent before 31 January 1992 to:

The Director
The British Institute of International and Comparative Law,
Charles Clore House
17 Russell Square,
London WC1B 5DR.

The Maxwells argued yesterday that they need say nothing during fraud enquiries. Stephen Gilchrist reports

Cheers for the right to silence

Kevin and Ian Maxwell invoked the defendant's ancient common law right of silence yesterday when they refused to answer questions about £450 million missing from Mirror Group Newspapers' pension funds. Mr's hoping to question the brothers were told by George Carman QC, that anybody "in peril of criminal charges is entitled from first to last in all circumstances in this country at common law to maintain his right to silence".

The Maxwell case is the latest example of conflict between investigators' powers to compel defendants or witnesses to give information and a defendant's right of silence. This follows a ruling in November, cheered by civil libertarians, when Wallace Smith successfully challenged the powers of the Serious Fraud Office (SFO) to compel people who are under investigation for fraud, or other, to answer questions.

Mr Smith was charged by the police with offences under the Companies Act 1985, which he denies. The SFO then decided to investigate his affairs and served him with a section 2(2) notice requiring him to answer questions and give information. He was told that, under the conditions of this section, he would not be cautioned and could be prosecuted if he failed to answer questions without reasonable excuse.

Mr Smith, not impressed with the position in which the SFO had put him, applied for judicial review of the notice. Now, in what many see as a blow against the overbearing powers of investigative bodies, the divisional court of the Queen's Bench Division has held that when a defendant has been charged in criminal proceedings, which in turn gives him a "reasonable excuse" for failing to cooperate with the SFO.

Mr Smith, therefore, could not be forced to answer questions about matters forming the basis of the charge, although he could be questioned under section 2(2) about other suspected offences. The right

of silence is one of the pillars of our criminal justice system. The rules say the prosecution must prove a case and the defendant need not help it by self-incrimination. The tendency for about 15 years, particularly in commercial legislation, to erode this right or to negate it altogether is worrying.

Of course, there is legitimate concern and some sympathy with the investigators who face a sometimes difficult task but some practitioners feel that those responsible for the administration of our criminal justice system are trying to fool the rest of us into believing we are still playing the same game despite a change in the rules. Justice is not a game and changes in the rules can have grave implications for our citizens' rights and liberties.

Under the Criminal Justice Act 1987 the director of the SFO may

'The prosecution has to prove a case and the defendant need not help it by self-incrimination'

investigate any suspected offence that appears on reasonable grounds to involve serious or complex fraud.

The director is empowered to demand the attendance of witnesses and the production of documents and, in particular, may require the person under investigation, or any other person who he has reason to believe has relevant information, to appear before him to answer questions or give information on anything relevant to the investigation.

Non-compliance without reasonable excuse may amount to a criminal offence with a maximum penalty of six months' jail.

Mr Smith's application was

made against the background of the Court of Appeal decision in *Regina v Seelig and Regina v Spens* earlier in the year. The court held that evidence amounting to admissions given by a person to trade and industry department inspectors during a Companies Act investigation may be used against that person in criminal proceedings. This was the case even though a refusal to answer self-incriminating questions can be treated as a contempt of court.

The court also said that inspectors are not required to caution the person. The department's investigative powers are similar in many ways to those of the SFO, except that refusal to cooperate is not a separate criminal offence but can be treated as a contempt of court.

In that case the Court of Appeal decided that those questioned under the 1985 Companies Act should be treated less favourably than the average person accused of crime "and that there was no unintended legislative muddle". In Mr Smith's case the divisional court gave a ruling that the "charged" status of an accused person effectively overrode any other consideration.

In 1988 Ernest Saunders, the former Guinness chairman, challenged the SFO in the divisional court suggesting that it was improper to serve a section 2(2) notice after he had been charged with criminal offences. The court decided that an SFO investigation could continue effectively up to the time of the trial. Although this is still the case, the Smith ruling does give protection in that a defendant cannot be compelled to answer questions relating to the offence with which he has been charged.

The SFO intends to appeal against the ruling. Meanwhile, some may consider that Mr Smith has gone some way towards halting what has appeared to be an almost unstoppable trend.

The author is a solicitor and partner in the London firm Hart Foreman and is a criminal practitioner



Saunders: the ruling would have given him some protection

The Devil who does a good job

Walter Bagehot observed that the English have "stumbled on a constitution", which, although defective in its construction, has the very great merit that it works.

No aspect of the legal constitution better exemplifies this theory than the role of First Junior Treasury Counsel, Common Law. This week, at the start of the new law term, Stephen Richards begins his term of office, succeeding John Laws, who has been appointed to the High Court Bench.

The Treasury Junior is an independent barrister who acts only for the Crown in civil litigation, advising government departments on the law and arguing their cases in court.

In theory, he is the "Attorney-General's Devil", the junior who researches what the law officers need to know. In practice, he has an important role in government, assisting

a greater tendency to support the actions of the executive than had been the case with some of his predecessors.

In more recent years, no such criticism could be made of the Treasury Juniors who have been promoted to the Bench on completion of their terms of office.

Lord Bridge, Sir Gordon Slynn, Lord Justice Woolf and Mr Justice Simon Brown have developed public law in a markedly liberal direction.

Endeavouring to explain to courts, on a daily basis, the reasoning of government departments is hard work. As Sir John Donaldson, the Master of the Rolls, stated in his judgment in an immigration case in 1982, "the impartial observer asks Mr Simon Brown to explain how paragraph 70 (of the immigration rules) is intended to operate, and Mr Brown says that he will have to take instructions".

Lord Justice Woolf has written



COUNSEL
DAVID PANNICK

representing the Crown when Lord Denning was rewriting the law books "with an irrepressible enthusiasm". At the beginning of the 19th century, Charles Abbott was a Treasury Devil described by Campbell in his *Lives of the Chief Justices* as having "the most marvellous inaptitude for the functions of an advocate". He almost always lost the cases but he

argued that this "partly arose from his power of discrimination and soundness of understanding which, enabling him to see the real merits of the cause on both sides, afterwards fitted him so well for being a judge".

Nowadays, thanks to the advocacy skills of Treasury Juniors, and the assistance they receive from the Treasury Solicitor's department, the Treasury Devil normally has the best tunes in court.

The example of Charles Abbott, however, serves to remind lawyers of what has been well understood and acted on by all recent holders of the office. All advocates have to reconcile their duties to their client with their duties to the court, and with their conscience.

The Treasury Junior has a specific responsibility for helping to ensure that the Crown complies with the law and that the court is provided with all the information it requires to ensure that justice is done in the cases before it.

The highest tribute that can be paid to Mr Laws is that after a period of office during which politics and the law have been more difficult to separate than ever before, he hands over an institution whose value and independence is recognised and respected throughout the legal profession. All members of the Bar will wish Mr Richards well in upholding this important tradition.

The author is a barrister

Why I believe judges should retire earlier

Gareth Williams, QC, the chairman of the Bar, puts forward his case



Gareth Williams: reforms

I had waited for years to read an intellectually rigorous and internally consistent justification of judicial appointments. Then I read Sir Frederick Lawton's article (*The Times*, December 3, 1991). At first I thought it was an elaborate leg-pull. The tests applied to judges, with Sir Frederick's apparent approval, include: "Is he slow? Is he pompous? Does he lose his temper?"

Sir Frederick compares experienced judges with good darts. Decent darts is commonly kept in dank cellars, in isolation, and always in the dark. When disturbed or agitated it becomes clouded and obscure. The headline to the article was "The right system for the judges". What we need is the right system for justice. The two may not always be the same. Circuit judges have to apply for the job and retire at 72. High Court judges are appointed and retire at 75. Why?

The Attorney-General's advertisement for the new Director of

Public Prosecutions refers to the position as one of special constitutional importance. Is judicial work not similarly so? Why should judicial posts not be advertised? Why, if an ambassador retires at 60, should a senior judge continue to 75 and, with extensions, beyond that? Some of Lord Reid's great judgments might have been lost on his retirement at 65, and so they would have been on his retirement at 70, with which Sir Frederick is apparently happy. Equally some of Lord Denning's lesser offerings might have been avoided on his earlier retirement.

The present Lord Chancellor says the quality of our judiciary is extremely high. So it is. The work is exceptionally difficult, done under pressure, often subject to ill-informed criticism. However, perhaps it could be improved.

be appointed for a fixed term, perhaps ten years? Is it right that High Court judges from the Queen's Bench Division should regularly sit in the Court of Appeal criminal division? I suggest a better system is to appoint more Court of Appeal judges who can devote their time exclusively to appellate work. We could then look for more consistency between divisions of the Court of Appeal criminal division. The appeal system's dreadful delays could be mitigated.

If we want an efficient, effective criminal appeal system we must provide the resources: sufficient lords justices of appeal for the work, with facilities for adequate assistance and research.

Public confidence in our criminal justice system has taken a severe knock. We need to restore that confidence. A useful first step is to choose our judges with more openness and apparent fairness. A system that Anthony Trollope would have relished will not do.

Deadly divorce

DIVORCE it seems, is bad for your health as well as your bank balance. A report from the organisation One plus One, based at the Central Middlesex Hospital, west London, has found that divorced men aged between 35 and 44 are twice as likely to die early as married men and that divorced women between the ages of 25 and 29 are one and a half times more likely to die early than married women. Divorced men are twice as likely to die from heart disease and two and a half times more likely to die of a stroke than married men. Divorced people also smoke and drink far more heavily than married people and patterns of heavy drinking are likely to be passed on to divorced people's children. In the population as a whole drink-related disease is closely related to certain occupations - solicitors, barristers and judges are one and a half times more likely than the average to die from liver damage.

M'lud's profile
EVERYONE likes statistics about the judiciary. In a recent survey, the journal *Labour Research* examined the background of Britain's judiciary, including the ten members of the House of

We all share the same hobby.



Lords, the 28 judges and three senior officers in the Court of Appeal, the 84 High Court judges and the 450 circuit judges.

The revelations show there are fewer senior female judges than five years ago, that there is still only one black judge, that the judges' average age is 66, that one in 16 has held or stood for political office, and that all ten law lords went to public schools. About 75 per cent of the 27 Court of Appeal judges, 82 per cent of the High Court judges and two-thirds of circuit judges went to Oxford or Cambridge. In their spare time only one in six judges claims to enjoy music, one in 15 likes theatre

and of the top 123 only eight say they enjoy reading. Their preferences are golf (22 per cent), sailing (13 per cent) and fishing (13 per cent).

Fresh talent

THE high spot of the latest antics in the Save the Children Fund "Children in Cities" campaign was the Freshfields talent show, which, apart from raising £1,000 for the fund through the ticket sales, featured members of staff in vinyl mini skirts, silver wigs and Elvis rhinestones performing a range of numbers including the John Travolta hit "Greased Lightning". The whole event was video-taped and showings of the video are expected to increase the original £1,000 takings several-fold. The firm, however, is being rather coy about when the video can be expected to be seen by the public.

Time to sign

THERE is still time for accountancy firms, banks and others that recruit lawyers to join the legal profession and host a stand at this year's Law Fair. The fair, on February 6 and 7, the biggest recruitment event for law students, had more than 3,000 visitors last year. A wide range of big and small law firms are already signed



up. The fair is organised by London University's careers advisory service and sponsored by the Bar, the Law Society, the Institute of Legal Executives and *The Times*. More details are available from 0800 252183.

A case to ape

DESPITE getting in a lawyer to help, Timmy the gorilla has had to leave Cleveland Zoo. The zoo wanted to send him to the Bronx Zoo, where four breeding females were waiting. The Cleveland zoo's visitors, however, asked a court for a restraining order, arguing that Timmy was happy in the company of an infertile female gorilla, Kribbe

Kate. The judge threw out the case, saying Timmy had not been ill-treated and that the zoo had the right to move him. The zoo says the case sets a precedent to assist it in staving off attempts to intervene in breeding programmes for endangered species.

Fee fight

A DISPUTE has erupted between the City law firm Manches & Co and the legal recruitment consultants Garfield Robbins. Manches recently merged with another similar-sized City firm, Carter Faber. Garfield Robbins, which undertakes an introduction service, says Manches has not paid a £149,918, fee said to be calculated on Carter Faber's turnover, for introducing Carter Faber, and has issued a writ alleging breach of contract. Lindsay Hill, a partner with Fox Williams and Garfield Robbins's solicitor, says: "Our clients had a contract with Manches for the work, with a fee formula provided for. The amount they are asking for is in accordance with that fee formula." Alun Lamerton, Manches's chief executive, says: "We are in dispute with Garfield Robbins about their involvement in the merger negotiations with Carter Faber. The proceedings are being defended."

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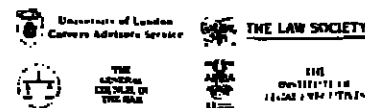
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following to provide an initial base of work. Through its existing clientele, the firm then expects to generate sufficient business to build the department. Alternatively, a small corporate/commercial based practice may regard this as an ideal opportunity for a merger.

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Safety on the agenda

Companies may have to reveal their environmental and safety record, Henry Witcomb writes.

Greenwashing, the practice by which companies try to repack their products to appear environmentally friendly, is undoubtedly one of the growth corporate sports of the 1990s.

This practice, however, will receive a timely setback should a private member's bill, introduced by Jeff Jucker, the Labour MP for Birmingham, Perry Bar, receive a second reading in the House of Commons on Friday.

The Corporate Safety and Environmental Information Bill, which is jointly promoted by the Freedom of Information and the Citizen Action Campaign, would oblige companies for the first time to disclose details of their environmental and safety performance in their annual reports.

The bill would provide both individual and institutional shareholders with crucial information with which to select and monitor the companies in which they wish to invest. Not surprisingly, the government, which is the foremost champion of a shareholding democracy, seems to be in favour of this principle.

Last year, at the Shell Lecture at the Royal Society of Arts, Michael Heseltine, the environment secretary, urged all businesses to set environmental targets and to publish accounts showing performance against those targets. He called for companies to commit themselves to the basic strategy of environmental review, target setting and public reporting.

David Trippier, the environment minister, was even more explicit, in an address to the Confederation of British Industry in June 1990, saying that companies should tell the world about their environmental performance through their annual reports distributed to shareholders.

Despite what appears to be a clear government policy on this subject, shareholders

have no legal right to be informed of a company's environmental and safety record in its annual report. Moreover, voluntary boardroom disclosure all too often reveals a confusion between economy and the truth.

The absence of any safety information in the 1989 annual report of the Ready Mixed Concrete group, for instance, is unsatisfactory.

The report does not mention the Thames riverboat disaster, in which 51 people died after the Bowbelle, which is owned by a Ready Mixed Concrete subsidiary, collided with the Marchioness.

Should Mr Rooker's bill become law, shareholders would be provided with a wide-ranging review of company activity. Every company would be required to disclose in its annual report:

- The number of times it or its senior management have been convicted of environmental and safety offences, giving details of every conviction.
- The number of improvement and prohibition notices that have been served on it by regulatory bodies such as the National Rivers Authority or the Health and Safety Executive.
- The number of compensation payments made by it after an injury or fatal accident, giving details in every case of the cause of the accident, the nature of the injury, and the amount of compensation and legal costs paid.
- The number of reports made under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1985.

The information provided would enable shareholders to evaluate objectively their company's performance, and, if necessary, bring about change. In turn, directors would be obliged to attend to environmental and safety matters, and to deal with them in public in a detailed, factual manner. However,



Ken Payne

disclosure should not be seen just as a means of calling a company to account for its activities.

Disclosure of environmental and safety performance represents an opportunity for companies to highlight their competitive edge over other companies. After all, millions of days are lost through injury, and millions of

pounds are lost through environmental clean-up costs every year.

Last year, John Collins, Shell UK's chair and the head of a government advisory committee on industry and the environment, said "transparency" is the key to meeting and maintaining environmental standards.

Mr Collins's commitment

to this objective was clear. "In the end, any body like this will be judged on what it does, and we are looking for bold action, not rhetoric," he said.

Mr Rooker's bill presents an opportunity for such action. The opportunity must not be missed.

The author, a barrister, is a member of the Citizen Action Campaign.

Mergers lawyers who make it big

The market for mergers and acquisitions work continues to be dominated by Slaughter & May, Freshfields and Linklaters & Paines. Norton Rose is also snapping up a large chunk of the business.

The 1991 lawyers' league table is published in this month's issue of *Acquisitions Monthly*. Although the order has been slightly reshuffled this year — Slaughter having eased Freshfields off the top — these figures will not disturb the self-assurance of the leading firms' managing partners.

The intense popularity of the leading lawyers means they are regularly being "confiscated out" of some key deals. The exact place in the pecking order therefore has little significance. What really counts is consistency in appearing among the top performers.

The contrasting strengths, however, are significant. To a large extent Slaughter owes its position to its commanding lead in advising companies. According to *Acquisitions Monthly*, it was involved with 19 deals on behalf of companies with a total value of almost £5,000 million. This was far ahead of Simmons & Simmons, the next firm on the companies side, which clocked up nine deals at a total value of less than £2,000 million. The combined value of deals for Freshfields company clients was £1,661 million.

The position is reversed when one looks at the work done for financial advisers. Here Freshfields takes the lead with ten deals worth more than £2,500 million, while Slaughter's five deals rated just over £500 million. Linklaters secures its position by doing fairly well on both counts, reinforcing its reputation for all-round strength and excellence.

Further down the table, there is a noticeable improvement by Travers Smith Braithwaite, which has moved from number 20 to number ten, and Gouldens, where the leap is from 19 to 12. In both cases the acceleration through the ranks is

due to involvement in a relatively small number of very big deals.

There were also some unique entries into the various tables that will, no doubt, be highlighted as landmarks in the histories of one or two partnerships. Certainly the appearance of the Scottish firm McGregor Donald is worth noting for its work on the defence of Invergordon Distillers. At a time when the biggest law firms in Scotland are claiming a similar status to the leading London firms this can only help their case.

For comparatively small firms such as Howard Kennedy and A. & L. Goodbody, which make the acquisitions monthly survey for the first time, 1991 will always be regarded fondly. Even the big firms will be relieved, if not satisfied, at the way last year ended. The first half of 1991 was fairly flat, leaving many mergers and acquisitions lawyers to twiddle their thumbs. A surge in activity in the late summer and autumn, however, has restored the figures to a reasonable level. Most of

Slaughter's work, for example, came in during the final quarter. Clients including Williams Holdings, Lasmo and BTR were involved in hostile bids, all worth more than £500 million, for UK targets.

The next few months should prove interesting. Lawyers' views around the City were thick last week on whether the long drawn-out run-up to the election would encourage or deter companies from plunging into further acquisitions. Some argue that this year's first half will be as dead as last year's, while others believe there is likely to be a rash of opportunistic bids as political uncertainties mount.

"Despite the decline [in the volume of work] it would appear that the legal profession is the nearest thing to a recession-proof industry," says Joanna Grant, of *Acquisitions Monthly*. Ironically, some of the work during 1991 came from the unravelling and rationalising of mismatches that occurred in the booming late 1980s.

EDWARD FENNELL

HOW THEY FINISHED

Combined lawyers' mergers and acquisitions league table, showing legal advisers acting for a financial adviser or a company in UK public takeovers from January to December 1991. Ranking is by value of transactions.

ADVISER	DEALS	VALUE (£m)
1 Slaughter & May	24	5,495
2 Freshfields (1)	21	4,173
3 Norton Rose (7)	18	2,929
4 Linklaters & Paines (2)	14	2,911
5 Simmons & Simmons (11)	10	2,050
6 Ashurst Morris Crisp (5)	20	1,490
7 Herbert Smith (3)	21	1,216
8 McKenna & Co (18)	7	541
9 Allen & Overy (6)	12	523
10 Travers Smith Braithwaite (20)	6	509
11 Clifford Chance (10)	13	482
12 Gouldens (19)	2	407
13 S.J. Berwin (13)	7	393
14 McGregor Donald (-)	2	355
15 Nabarro Nathanson (8)	5	327
16 Theodore Goddard (-)	9	233
17 Rowe & Maw (-)	2	167
18 Timuss Sainer & Webb (-)	4	147
19 Howard Kennedy (-)	2	124
20 A & L Goodbody (-)	2	105

* 1990 full year ranking
This table is based on completed and failed offers for UK public companies January to December 1991, and includes only those advisers involved in two or more transactions. Figures in brackets are last year's positions.
Source: *Acquisitions Monthly*/Amdata Ltd

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Court of Appeal

Law Report January 14 1992

Queen's Bench Division

Retirement sex bias claim fails

Doughty v Rolls-Royce plc
Before Lord Justice Mustill, Lord Justice Butler-Sloss and Sir John Megaw

[Judgment December 18]

Rolls-Royce plc was a commercial undertaking notwithstanding that all its shares were held by nominees of the Crown and that its trading connection with the state was of importance to the defence of the realm.

Accordingly, a female employee of the company required to retire at 60 when male employees retired at 65 could not rely on an EEC Council Directive guaranteeing men and women the same working conditions without discrimination on the ground of sex.

The Court of Appeal so stated dismissing an appeal by Mrs D. S. Doughty from the decision of the Employment Appeal Tribunal (*The Times* August 10, 1987; [1987] ICR 932) whereby it allowed an appeal by the company from the decision of an industrial tribunal that Mrs Doughty could rely on article 5(1) of Council Directive 76/207/EEC, the equal treatment directive, to uphold her claim that she had been unfairly dismissed and discriminated against contrary to section 6(2)(b) of the Sex Discrimination Act 1975.

Mr Michael Beloff, QC and Mr Tim Kerr for Mrs Doughty; Mr David Pannick for Rolls-Royce.

LORD JUSTICE MUSTILL said that the appeal was concerned with the effect of Council Directive 76/207/EEC, the equal treatment directive.

The dispute revolved around questions of principle which had already been extensively discussed by the Court of Justice of the European Communities and subsequently by the House of Lords in *Foster v British Gas plc* ([1991] 1 QB 409; [1991] AC 306).

On February 26, 1986 Mrs Doughty was compulsorily retired at 60 in accordance with the company's standard terms of employment. If she had been a man she could have continued for another five years.

At that time that disparity was legitimate as far as English law was concerned since section 6(4) of the 1975 Act excluded discrimination arising out of retirement provisions. It was not legitimate under the equal treatment directive.

Subsequently, domestic legislation was amended but the amendment was too late to save Mrs Doughty's claim under English law. She sought recourse to European law contending that she was entitled to the direct benefit of Directive 76/207/EEC.

While the precise jurisprudential basis on which individuals had been held entitled to derive benefit from European Directives which fulfilled certain conditions had yet to be clarified, the general nature of the doctrine was by now well established.

The foundation cases were *Becker v Finanzamt Münster-Innenstadt* (1982) ECR 53 and *Marshall v Southampton Health Authority* (1986) QB 401.

The question at the root of the appeal was: Did the act of the company in denying Mrs Doughty the opportunity to continue

in service for a further five years amount to reliance by the United Kingdom upon its own failure to bring English law into conformity with the equal treatment directive?

After discussing the opinion of the Advocate-General, the judgment of the European Court and the judgment of the House of Lords in *Foster* his Lordship said that the principles to be extracted therefrom could be applied to the instant case in the light of two questions:

1 Was Mrs Doughty correct in contending that the sole test of whether the entity in question fell within the doctrine in *Becker* and *Marshall* was whether it was under the control of the state?

2 If that contention was not correct, to what extent did the answer furnished by the European Court in *Foster* constitute an exhaustive statement of the criteria for determining the status of the entity; and if it was not exhaustive, what test should be applied to the present case?

The adoption by the European Court of a much wider test of which the power of control was only one of several cumulative criteria showed that the proposition advanced by Mrs Doughty could not be correct.

The same conclusion, for the same reason, followed from an examination of the leading speech in the House of Lords in *Foster*. If control had been the touchstone, the second hearing in the House of Lords would have been a formality.

Accordingly, his Lordship would reject Mrs Doughty's first and principal argument. There remained the second question,

concerning the status of the test prescribed by the European Court.

The company accepted, rightly, that the test was not intended to provide the answer to every category of case.

Nevertheless, in a case of the same general type as *Foster* the court's formulation must always be the starting point and would usually be the finishing point. If all the factors identified by the court were present it was likely to require something very unusual to produce the result that an entity was not to be identified with the state.

Conversely, although the absence of a factor would not necessarily be fatal, it would need the addition of something else, not contemplated by the formula, before the *Marshall* principle had a prospect of being brought into play.

So the court had to begin by seeing whether the three criteria established by the formula in *Foster* were satisfied in the case of the company. For that purpose, his Lordship would assume that the second criterion, namely that whatever "service" the company provided was at the material time "under the control of the state" was fulfilled by Rolls-Royce at the time in question.

If that requirement had been crucial it would have been examined more closely. The position was quite different in regard to the other two criteria.

As to the first, his Lordship could not see how it could be said that the company "was made responsible, pursuant to a measure adopted by the state for providing a public service".

The company was a commercial undertaking which as part of its business traded with the state on terms which were negotiated at arms length. It was true that the trading connection was of importance to the defence of the realm, an activity peculiar to the state, and was liable to become even more so in time of war and the importance of that was manifested not only by the closeness of the watch kept on the trading relationship but also by the importance attached by officers of the state to ensuring that the company kept its trading capacity fully in being.

Nevertheless, on the evidence before the industrial tribunal the services were provided to the state and not to the public for purposes which were of benefit to the state.

Nor could his Lordship see any evidence that the company possessed or claimed to exercise any special powers of the type enjoyed by British Gas.

For those reasons his Lordship considered that the company did not at the material time fulfil the requirements of the ruling in *Foster*. This did not mean that Mrs Doughty's claim based on the Directive must inevitably fail, but there was a need to find some strong additional reason special to the present case before concluding that the Directive could be relied on by the individual against the company. His Lordship could see none.

There were many reasons for that unfortunate experience. Perhaps the primary reason was that the full complement of six High Court commercial judges had not been available in the Michaelmas term until December.

It had been possible despite that to maintain sittings in six courts for most of the term, because two circuit judges had been able to sit as additional judges for different periods and Queen's Counsel with commercial experience had been able to sit as assistant judges on a temporary basis for 17 days.

However, it remained true that the burden was one which could not be carried indefinitely and it was only because of the quite exceptional efforts by all concerned that the court's high standards had been maintained.

It had to be said, therefore, that the present situation was one where the policy of fixed hearing dates for as soon as the parties were ready for trial was under considerable pressure and might well have to be modified unless further judicial resources were made available to the court.

The Civil Justice Review stressed the vital importance of maintaining the policy and contemplated that as many as seven courts might be required for the purpose.

His Lordship raised three matters of procedure primarily for the information of solicitors.

1 The provisions of paragraph 12.1 of the *Guide to Commercial Court Practice* (see Order 72 of the Rules of the Supreme Court) regarding the time for issuing the summons for directions were too often ignored.

A depressingly large number of summons for directions were issued before discovery and inspection had taken place. The reasons why that was premature and

potentially wasteful were set out in paragraphs 12.1 and 12.2 of the *Guide*.

If the plaintiff had not given discovery then he should do so before issuing the summons. If the defendant failed to do so, the correct course was for the plaintiff to issue the summons requiring discovery and inspection alone. The defendant was likely to have to pay the costs of such a summons in any event.

In his Lordship's view the time had come to start penalising plaintiffs and their solicitors for costs thrown away when the summons for directions was issued prematurely.

2 All solicitors were reminded of the requirement that when any summons was issued in an action which had been given a trial date, that date should be stated on the face of the summons see *Practice Direction (Commercial Court: Revised Practice)* ([1990] 1 WLR 481). That was helpful and important to the court staff.

3 It was a weekly and often a daily experience that consent orders were sought for actions to be ended in ways which were variously described as the action being discontinued, dismissed or withdrawn and including references to the court's record being withdrawn.

His Lordship sometimes wondered whether it was always appreciated that when an action was discontinued there was not necessarily any bar to fresh proceedings in respect of the same claim. The correct form of order in each case was important for both parties and in future special consideration should be given to that.

Plea for more judges

Commercial Court:

The Commercial Court policy of fixing hearing dates for as soon as the parties were ready for trial might have to be modified unless further judicial resources were made available to the court.

Mr Justice Evans, judge in charge of the Commercial Court of the Queen's Bench Division, so stated on December 20, in a statement in open court.

MR JUSTICE EVANS said that the following were the statistics for the year ended July 31, 1991 (1990 in brackets): cases started: 2,034 (1,574); *ex parte* injunction applications: 257 (194); summonses issued: 3,341 (3,372).

The number of cases brought before the court had increased considerably, but thanks to a reduction in the number of cases which came to trial (95 as against 125) and the overall settlement rate increasing from about two-thirds to nearly three-quarters of the cases given trial dates (270 out of 364) the court sitting with six judges was able to keep abreast of its work.

The pattern of the Michaelmas term had been markedly less successful. A substantial number of trials had had to be stood out of the list for lack of a judge to hear them. The problem was particularly acute during October and November when nearly one quarter of cases given fixed dates could not be heard on those dates.

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Closing date: Monday 27th January, 1992.

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EQUAL OPPORTUNITIES EMPLOYER

Leading seeds progress smoothly into the second round of the Australian Open tennis tournament

Bates finds himself the fall guy again

FROM ANDREW LONGMORE
TENNIS CORRESPONDENT
IN MELBOURNE

THE part of fall guy to the champions is becoming a regular role for Jeremy Bates at the Australian Open.

Last year, he gave Boris Becker a rollicking good opening match and the German went on to win his first Australian title and become world No. 1. Yesterday, he warmed up the present No. 1, Stefan Edberg, giving the Swede a minor scare by winning the first three games before folding gently thereafter.

Edberg was joined in the second round by Becker and Ivan Lendl, neither of whom dropped a set. But for the second year in succession, Pete Sampras was forced to pull out at the last minute.

Last year, it was sore shins; this year, it is a sore shoulder. Nobody doubts that the injury is genuine. Equally, nobody can remember when Lendl, Becker or Edberg last withdrew before the start of a grand slam with an injury.

Tony Pickard, Edberg's coach, whose loyalties were tested for the first time since he became Britain's Davis Cup captain, could not have

picked a more ideal opponent for his man's first competitive match in nearly two-and-a-half months.

Bates, says a colleague from *L'Equipe*, has a *partie de chateau* type of game, which means he is graceful but harmless in such august company. "I knew he had nothing to hurt me," Edberg said. "So it was a good match for me."

Pickard's pleasure at Edberg's 6-4, 6-2, 6-4 win was tempered by sympathy for the British No. 1. "He deserved a better fate after coming through qualifying

and he played well. There are plenty of guys here he could have beaten," he said.

On yesterday's form, Becker was certainly not one of them. The defending champion announced his return to Flinders Park with a clap of thunder, thudding 25 aces past the hapless Jan Gunnarsson, of Sweden. "Twenty-five aces? That is quite a lot, even for me," Becker said. In just 63 minutes, too.

Twice, Becker fired down three straight aces and his overall demeanour suggested

a man happy in his work. Somnolence posed the biggest threat to his dominance on a hot afternoon. "This place is very special to me after last year," he said.

The theory is that, in the company of his new girlfriend, Becker is now happier and more confident than at any time in his career. But it will take tougher opposition to prove it.

Less fortunate was Petr Korda, the only seed to fall in the men's singles. The No. 9 seed is as daft as the oft-maligned brush he resembles and,

when he won the first two sets against Jeff Tarango, not even Tarango — a creative writer and philosopher in his spare time — would have dared to imagine victory. But truth proved stranger than fiction and the Californian emerged triumphant after nearly three hours.

Lendl, a straight-set victor over Richard Fromberg, now meets another Australian, Roger Rasheed, who nearly gave up the game two years ago to play Australian Rules. Rasheed gained his wild card into the Open only as a reward for winning a satellite tournament in Australia last October.

He intends to make the most of his big moment against Lendl. "I like to be aggressive and I just hope I can do some damage," he said. To help him, he is reading a book on psychology called *How to Think Big*.

In the women's singles, Jennifer Capriati and Monica Seles lost two games each in reaching the second round and Jo Durie had an excellent 7-5, 6-1 win over Florentina Labat. Two other British girls, Samantha Smith and Sara Gomer, lost. Like Bates, they are in danger of being typecast.



Capped crusader: Becker powers to victory over Gunnarsson at Flinders Park yesterday

SKIING

Bianchi breaks through

Garmisch-Partenkirchen: Patrice Bianchi overcame Hubert Strolz, the Austrian veteran, and Alberto Tomba, the Olympic champion, yesterday to achieve France's first success in a World Cup slalom for five years.

Bianchi, who was behind Thomas Stangassinger, of Austria, after the first leg, was mobbed by team-mates celebrating the first French slalom success since Didier Bouvet won at Parpan, Switzerland, in 1986.

"The piste was hard but it gripped, so you could attack all the way down," Bianchi, from Val d'Isère, said after his first World Cup win.

A battle between Alberto Tomba and Paul Accola failed to materialise, but Accola won the combination event to take over from Tomba as overall World Cup leader. (Reuters)

RESULTS: 1. P. Bianchi (Fr), 1min 37.27sec; 2. H. Strolz (Austria), 1:37.31; 3. A. Tomba (It), 1:37.72; 4. P. Accola (Swi), 1:37.84; 5. T. Stangassinger (Austria), 1:37.85; 6. C. G. Garmisch (Fr), 1:37.88; 7. M. Stangassinger (Austria), 1:37.92; 8. P. Accola (Swi), 1:38.04; 9. F. Garmisch (Fr), 1:38.10; 10. T. Stangassinger (Austria), 1:38.12; 11. S. Garmisch (Fr), 1:38.14; 12. S. Garmisch (Fr), 1:38.16; 13. S. Garmisch (Fr), 1:38.18; 14. S. Garmisch (Fr), 1:38.20; 15. S. Garmisch (Fr), 1:38.22; 16. S. Garmisch (Fr), 1:38.24; 17. S. Garmisch (Fr), 1:38.26; 18. S. Garmisch (Fr), 1:38.28; 19. S. Garmisch (Fr), 1:38.30; 20. S. Garmisch (Fr), 1:38.32.

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remains determined to improve the delivery of quality services for all its residents. Independent Living and Equality for all are essential themes in our approach to meeting the needs of the individual.

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- ▲ The pack is available in BRAILLE, LARGE PRINT, or TAPE. Closing Date: 28th January. Interviews: 10th and 11th February.

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Closing Date for Applications: Friday 7 February 1992.

Interviews will be held during February

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Application forms and further details are available from the Personnel Department, Floor 3, 5 Storey Road, Pond Street, Sheffield S1 1WB. Telephone (0142) 533946. Closing date 28th January 1992.

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TODAY'S RESULTS

LONDON
ONLINE

British bobsleigh gets serious in search of gold

Modern bobsleigh has a bizarre parentage. It was fathered in a moment of absent-mindedness by the Great British Wizard Prang Tradition and mothered and raised by the East German Kalkaeseque Sporting Machine. What an infant. The sport was invented by Hooray Henries in St Moritz a century ago, and brought to icy perfection in the East German winter sports 'centre of excellence' in Altenberg, a few hundred miles or a million light-years away.

Four years ago, the Brits had a well-do-our-best-anyway tilt at the Winter Olympics in Calgary, and finished twelfth in the four-man event and eighteenth in the two-man. Well, how are we supposed to compete against all that state backing? Hardly fair, is it?

This year, the Brits have a chance of gold in the four-man and are odds-on for a medal of some colour or other. They also have a fair shot for a medal-place in the two-man. In short, this year, British bobsleigh is serious.

Taste the atmosphere: it is one any sportsman knows well. It reeks of purpose. These are not thrill-seekers, or attention-seekers, these are athletes, victory-seekers. There are a lot of black faces, a lot of demonic accents, a lot of impressive physiques.

Last weekend, the British camp at Igls in the Tirol was stuffed with team spirit, and peopled almost exclusively by athletes wearing their 'gameface'.

At the top of the run, you see four men in crash-helmets, eight eyes closed. There is a sports psychologist in the back-up team and he has taught them the techniques of visualisation. The driver, Mark Tout, then gives each of his colleagues a bunch whack on the biceps: "We all touch each other. You don't have to say anything. It's a reassuring touch, like when you see your Mum," Tout said.

The sled is eased back a fraction and then, with a bloodcurdling roar, as if this were bayonet practice, the boys are off and running. Tout is a former decathlete; the other three are all sub-11sec for the 100 metres. Lenny Paul, the brakeman, is the fourth-ranked British sprinter, and he intends to make the Summer Olympics as well. "I suppose bobsleigh does mean more to me - we have such a good chance," he said.

The East German Sporting Diaspora has changed the face of many sports, none more than bobsleigh. The Brits do not have to beat the East Germans any more;

they have East German allies instead. The former East German coach, Horst Hörnlein, is now coaching the Brits. The British sled was bought from East Germany, a snip at £10,000. The squad is now training at the Altenberg winter sports centre of excellence, where there is even an indoor ski-jump.

The goal of all this training is a co-ordinated explosion. The first frantic five seconds of a run are what matters most. Driving skills are important, but speed at the start is what really counts. Even a driver will say that. The team-vibe is all.

Four years ago, Tout and Paul had a massive falling-out. They didn't talk for a year, walked past each other without saying "hello". "I'm very aggressive, very tense, very finicky," Tout said. "I'm always in there with both feet. Now I've toned this down a bit. The sports psychology has been brilliant. Also, I'm older, and this is a sport where older athletes, in the their late twenties and early thirties, do better. I'm 30, Lenny is 33."

"We both have something to offer. In the end, I said to him, let's get on with it. And it's all so different to what it was four years ago. The team is tighter. So much

more focused. It's fundamental. Four years ago, ask the guys if we could win, they'd say 'yes'. They still say yes - but the whole tone of voice is different. They really believe."

The aspirations have been helped along by sponsorship from Stella Artois and by the army's commitment to the sport. Three of the top four-man team are in the army but neither Tout nor Paul has worn a uniform for four years. Tout is a corporal, Paul a sergeant. Both are *de facto* professional athletes, even if they draw money from the army. Rather as the East Germans and others did for years, in fact.

These are impressive people in an impressive sport. The sight of a four-man bob wall-of-deathing round a 270-degree curve, and the rasping rattle as it disappears down the icy chute, are stirring things.

"I was once asked to operate the video camera while the second crew were training," Paul said. "And as I watched them, I thought, this is unbelievable! It's mind-boggling! How fast they go! And I'm in a sled going even faster! Well, I had to get some one else to work the camera. I knew if I looked at it too much, I just wouldn't do it again. I had to walk away from the track. I wanted to keep my positive attitude."



At the sharp end: Tout drives the British four-man bob to a course record 51.89sec in Igls on Saturday

Taylor & Gascoigne his mate

Cricket comes to

Ratcliffe allow

Several times

ICE HOCKEY

Durham widen the gap

BY NORMAN DE MISQUITA

WHILE the teams below them continue to beat one another, Durham Wasples sail serenely on and two more wins stretched their lead at the top of the premier division of the Heineken League to five points.

On Saturday, the Wasples took full advantage of Murrayfield Racers' physical approach by scoring seven goals on the power play, three of them in the first period, which they ended with a 6-1 lead.

The short trip to play the Whitley Warriors on Sunday took their unbeaten run to 17 games, and it is hard to see who will bring it to an end.

Fife Flyers will be relieved that they have paid their last visit of the season to the Basingstoke Beavers. Having already lost at Basingstoke, their overnight journey after beating Swindon Wildcats in the first division ended with their bus running out of diesel a few miles short of the Basingstoke rink.

Quickly 2-0 behind, the Flyers did pull back to 2-2 midway through the first period, but did not score again until the Beavers were 5-2 ahead and on their way to a deserved win. The Flyers are still top of the division, one point ahead of Slough Jets.

RESULTS: Heineken League: Premier division: Basingstoke Beavers 4, Slough Jets 2; Fife Flyers 7, Swindon Wildcats 2; Murrayfield Racers 7, Durham Wasples 3; Whitley Warriors 3, Durham Wasples 7.

First division: Basingstoke Beavers 4, Slough Jets 2; Fife Flyers 7, Swindon Wildcats 2; Murrayfield Racers 7, Durham Wasples 3; Whitley Warriors 3, Durham Wasples 7.

FRANCE: Chateaufort 25, 100 good open sun 0 9/1 (Good skiing on upper runs, Super Chateaufort particularly good)

Isola 2000 40 80 fair some fine -2 9/1 (Good skiing on top runs; lower runs wearing thin)

Méribel 80 170 good open fine -4 10/1 (Soft snow on upper runs; hard snow on lower ones; overall good skiing)

Tignes 100 190 good open fine -11 9/1 (Excellent skiing at all levels; 52 lifts and 80 pistes open)

ITALY: Bormio 100 180 good n/a fine 5 10/1 (Good skiing on packed powder; all but two lifts operating)

Courmayeur 80 130 good open fine -1 11/1 (Great skiing with layer of powder snow on hard-packed pistes)

Supplied by Ski Hotline. L and U refer to lower and upper slopes

CRICKET

Players lack adventure as script wears thin

FROM ALAN LEE
CRICKET CORRESPONDENT
NELSON, NEW ZEALAND

THE third first-class game of England's tour might easily be confused with the previous two. The title of the opposition has changed but the personnel and their priorities remain much the same. For Hamilton or Napier now read Nelson, with a script that is wearing a little thin.

The present opponents are grandly named a New Zealand XI, but they might just as well be the emerging players who launched the tour, or the Minor Associations from last week. Each team has comprised disparate young hopefuls, at best fringe Test match players, for whom there is far more to gain individually than collectively. Unsurprisingly they strain to be noticed, and the result, as yesterday, can be disappointingly uneventful.

Once the effects of overnight rain had cleared from this tip of the south island, there was time for 200 minutes' cricket. The mix-and-match XI managed a rate of fractionally above two per over in that time, not entirely due to the uniform brilliance of England's bowling, which fell more readily into the category of satisfactory. There were a few runs for Greatbatch, who still looks ill-prepared for a Test series, and a more convincing effort from Thomson, another player England are likely to see again on Saturday. The overall impression, however, was of the lack of depth in New Zealand cricket, coupled with a suspicion that they face a dire time of it in the coming couple of months unless their few accomplished players begin to fire.

As for England, Test selection is looking ever more straightforward, with Lawrence increasingly likely to miss the match and Reeve continuing to outperform Pringle. Lawrence will see an orthopaedic consultant today about his side strain, but Laurie Brown, the England phys-

iotherapist, said: "I would give him no more than a 50-50 chance of playing."

The new ball, then, will be shared by yesterday's pairing of DeFreitas and Lewis, and they had contrasting days. DeFreitas, after a few early bellows for leg before, bowled like a man who has something on his mind; for England's sake, one hopes it was the Test, and that he was merely pacing himself. Lewis looked sharp and, on switching ends for a second spell, made some rapid inroads into the innings.

Trafalgar Park is a curious cricket ground. Sit square-on to the play and you might be in a dilapidated Beazer Homes League football ground, with an ancient wooden stand on one side, crumbling concrete terracing on the other, and an eyecore of a cycling track in the foreground. But sit on the grassy bank behind the arm, with the sea at your back and the hills a spectacular backdrop, and you have a view to treasure.

Lewis quickly removed Pocock well taken down the leg side by Russell, off his glove, after showing his fielding ability. By throwing out the dithering Douglas in his follow-through, Lewis followed up with a leg-before decision against Brown, and the New Zealanders had plunged from 42 without loss to 47 for three.

Reeve, who has shown he can swing the ball, even in discouraging conditions, grabbed too soon at a return catch from Greatbatch when the big left-hander had made 14. But he got his man half an hour later, an attempted sweep looped off the top edge and Gooch took a simple catch.

Karachi: Pakistan swept to a 29-run victory in the second one-day international yesterday after the Sri Lankan opening batsman, Koshan Mahanama, succumbed to cramp as he led their charge.

Sri Lanka, facing Pakistan's 40-over total of 210 for five, were dismissed for 181 in 36.1 overs after Mahanama was carried from the field. He had made 60, the top score in the match. Mahanama was playing well and dominating the bowling when he retired hurt in the 27th over after an innings of 128 balls. He did not return.

Pakistan made short work of the rest of Sri Lanka's batting. Wasim Akram finishing with three for 31 and Mushtaq Ahmed, a leg spinner, two for 39. Imran Khan, who scored 44 and took one wicket, was man of the match.

PAKISTAN: Ramiz Raja c Labrooy b Jayasuriya 35; Imran Khan c Labrooy b Jayasuriya 44; Koshan Mahanama c Labrooy b Jayasuriya 60; Saeed Malik b Labrooy 29; Wasim Akram c Labrooy b Jayasuriya 29.

SL: Jayasuriya 142, 244, 347, 444; Mahanama 142, 244, 347, 444; BOWLING: DeFreitas 14-2-54-0; Lewis 12-5-18-2; Pringle 13-5-13-0; Reeve 11-7-11-1; Pocock 9-0-34-0.

ENGLAND XI: G.A. Gooch, A.J. Stewart, A.C. Hick, R.A. Smith, A.J. Lamb, M.R. Stamp, D.A. Reeve, H.G. Russell, C.C. Lewis, D.R. Pringle, P.A. DeFreitas.

Pakistan take the honours

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Conner's task complicated by fickle winds of change

BY BARRY PICKTHALL

RACING for the America's Cup, the trophy tarnished by greed, poor sportsmanship and a prolonged court battle between New Zealand and the American holders, resumes today on the windless waters of San Diego.

The drawn-out contest to select a defender and challenger to race for the Cup itself in the best-of-seven series, which starts on May 9, drew tremendous interest around the world when held in Australia in 1987. That was the year when Dennis Conner won back the trophy he had lost four years earlier to Alan Bond's victorious Australia 2 team.

Today, the event barely draws a yawn, particularly in the United States, where Conner's stock has dropped to such a low point that he is perceived as the man most wanted to see beaten.

The memories of Conner's convincing 4-0 victory over

Jan 14-20: 1st round of defender trials
Jan 25-Feb 5: 1st round of challenger trials
Feb 10-17: 2nd round of defender trials
Feb 19-25: 2nd round of challenger trials
Mar 5-10: 3rd round of defender trials
Mar 12-18: 3rd round of challenger trials
Mar 20-Apr 6: 4th round of defender trials
Mar 28-Apr 8: Challenger semi-finals
Apr 17-20: Defender final
Apr 20-23: Challenger final
May 9-12: America's Cup final

Iain Murray's Australian 12-metre, Kookaburra III, together the ticker-tape victory parade through New York and the presidential reception that followed, have been swept aside.

What people remember now are the investigations by the US Internal Revenue Service into payments of more than \$1 million to trustees, including Conner, from the charitable trust that funded his 1987 campaign, which finished heavily in the red.

They remember his unsporting defence with a catamaran against New



Skipper: Dennis Conner (above).
Syndicator: Team Dennis Conner.
Tactician: Tom Whitted.
Syndicate head: Dennis Conner.
Yacht club: San Diego.
Designers: David Frederick, Dr. Alberto Calderon and Bruce Nelson.
Number of boats: One.
Name of yacht: Stars and Stripes.
Budget: \$15 million.

Zealand's mighty monohull challenge in 1988. Most of all, they remember his outburst on television immediately after that one-sided victory when he told the New Zealand designer, Bruce Farr: "Get out of here... you're a loser."

As a result, Conner has been shunned by much of corporate America and had trouble raising even half of his proposed \$30 million defence budget. The big spender who invented the multi-boiler campaign is suddenly reduced to having a single yacht and running the operation on \$15 million.

To add to his troubles, he faces an uphill struggle for the defender's berth against a man with bottomless pockets whose main motivation is not only to win the Cup, but to "suck it up Dennis". Bill Koch, who has a net worth in excess of \$500 million, was one of Conner's backers in 1987. He might still be today, had the Stars and Stripes skipper not gone back on his word to provide Koch with the computerised velocity prediction programmes his money was used to develop.

Koch's America's syndicate has two boats in the water and two more on order. He and his fellow skipper, Buddy Melges, intend to play wasteful tactics by taking it in turns to wear down Conner's inferior strengths during the four rounds of defender trials.

Koch's one weakness is his predilection for steering his own race yachts rather than rely on the greater skills of those around him. He may have enough in his armoury to defeat Conner, but many doubt whether his skills are sufficient to bear off the strong challenges from New Zealand or Italy.

AMERICAN FOOTBALL

Rypien fires Redskins into favoured final

BY ROBERT KIRLEY

THE Washington Redskins advanced to the Super Bowl for the fourth time in ten years by defeating the Detroit Lions 41-10 at home in the National Football Conference final on Sunday. Washington will play the Buffalo Bills, who beat the Denver Broncos 10-7 earlier on Sunday, in the American Football Conference final.

Super Bowl XXVI, the championship game of the National Football League, will take place in the Hubert H. Humphrey Metrodome in Minneapolis on January 26. Washington and Buffalo were favoured all season to reach the big game.

The Redskins pounced on two early turnovers by Erik Kramer, the Detroit quarterback, and took a 17-10 half-time lead. Mark Rypien then fired touchdown passes of 45 yards to Gary Clark and 21 yards to Art Monk to put the game out of reach.

The Bills, 20-19 runners-up to the New York Giants in the Super Bowl last year, sur-

vived a defensive struggle at home. Carlton Bailey made the key play by intercepting a deflected pass from John Elway and returning the ball 11 yards for a touchdown in the third quarter.

Elway retired hurt in the fourth quarter but his replacement, Gary Kubiak, scored on a two-yard run with less than two minutes to play. The Broncos controlled the ensuing onside kick but Steve Sewell fumbled on the first play and Kirby Jackson recovered for Buffalo.

David Treadwell, of Denver, missed field goals of 47, 42 and 37 yards in the first half as Denver penetrated Buffalo territory on all six of their series, once advancing as far as the Bills' 11. Buffalo held firm each time, led by Cornelius Bennett, Darryl Talley and Jeff Wright.

RESULTS: Conference finale: American Football Conference: Buffalo 41-10, Denver Broncos 7. National Football Conference: Washington Redskins 41, Detroit Lions 10.

FOOTBALL: Super Bowl XXVI (non-stop records in brackets): Buffalo (153) v Washington (102), January 26, at the Metrodome, Minneapolis, 2.10 GMT.

BASKETBALL

Leicester fear final defeat

BY NICHOLAS HARLING

WITH television, in the form of BBC's *Grandstand* programme, taking a belated interest in this season's proceedings next weekend, there could be nothing worse for basketball's credibility than a one-sided event.

Yet Sunday's NatWest Trophy final in which Kingston are attempting a third successive triumph, this time at Leicester's expense, has all the makings of being a most top-sided game. Unless Kingston start as slowly as they did in three of their past six games, when they had to make up leeways of 22 points, 17 points and 17 points respectively, the match could be all over by half-time, with the holders heading for a repeat of their overwhelming League win in September.

Leicester's 112-83 defeat on the court of Kingston's Carlsberg League championship rivals, Thames Valley Tigers, hardly augured well for their chances. Only Karl Brown, with 21 points, and, to a lesser extent, David Harris, with 19, emerged from the visitors' performance with

reputations enhanced. "If we play like that again, we could lose by 40 points," Dip Donaldson, the Leicester player-coach, said.

"The Kingston game will be all about whether we show up or not on the night. We've got a week of hard work ahead in which we are just going to focus on Kingston. The guys seem to find it hard for League games, which for some reason is not a big enough occasion for them, so they might do better in this, although obviously we are the underdogs."

Andy Gill, the Tigers coach, was in agreement. "If they play like that, they haven't any chance whatsoever," he said. Leicester did win 117-79 on Sunday, but then, with all due respect, so does virtually everyone against Cheshire Jets these days.

Of the seven Tigers who had reached double figures, led by Nigel Lloyd (23), another, Obaseki, could even afford the embarrassment of two missed dunks in the second half. He later succeeded

with two more difficult reverse dunks and, was no less flamboyant the following evening with 22 points towards the 115-105 National Cup win over Manchester Giants for whom Trevor (37) was a magnificent loser.

Kingston, meanwhile were suffering their latest faltering start, not helped by the late arrival of Cunningham and Irish from the south coast. By the time they arrived, Koretz and Reece had helped Birmingham into a 24-7 advantage that made nonsense of their failure to score in the first five minutes the previous night against 71-64 winners, Derby.

Cunningham belatedly contributed 19 points, but, once again, Saunders (40) was the man chiefly responsible for a revival, that took Kingston to victory by 105-82. Although three of their players fouled out, Worthing Bears stayed in contention at Hemel Hempstead Royals where Scott's 24 points led them to a routine 90-68 victory. Hemel's new American, Lewis scored only 11 points.

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TUESDAY JANUARY 14 1992

Council agrees to continue negotiations next month

FA defers Premier League decision

BY STUART JONES
FOOTBALL CORRESPONDENT

A DECISION on the formation of the Premier League has been deferred. At the end of a meeting which lasted for almost three hours at Lancaster Gate yesterday, the members of the Football Association council agreed only that they would re-assemble for a special meeting to be convened on February 20.

"The show is still on the road," Graham Kelly, chief executive of the FA, declared. He and Rick Parry, the designated chief executive of the Premier League, were concerned that the wheels might have fallen off either in London or Nottingham, where representatives of the first division clubs gathered on Sunday.

Instead, they have been given the authority to continue talking to the various interested parties, which for the first time will include the Football League, next Tuesday. Yet the progress of a concept conceived by Kelly nine months ago is being made at the pace of a somnolent snail.

The foundations are being laid, nevertheless, and Kelly remains convinced that the Premier League will indeed be established in time for the start of next season on August 15. The public, however, may question whether the historic development will have been worth it.

The only visible difference, in effect, will be that next season's first division programme will include four free Saturdays before international fixtures. At present, there are two.

Although it had been thought that a definitive statement would be forthcoming yesterday, it is clear that the prospect was unrealistic. The first division clubs and the council, at their separate meetings, were being asked to accept not fine details but broad principles.

One was significant. The first division clubs decided that it would be inappropriate for them to vote for any one standing as a prospective president of the League. Doug Ellis, the chairman of Aston Villa, was initially put forward as a candidate to succeed the late Bill Fox, of Blackburn Rovers.



Indecision time: Parry, left, and Kelly yesterday

In rejecting the idea, the first division clubs have demonstrated their firm commitment to the proposal which is officially to be known as the FA Premier League. They are evidently prepared to enter it, even without the consent of the League and the Professional Footballers' Association, both of whom have expressed their disapproval, but Gordon McKeag, the chairman of the League's shadow board and a member of the council, said: "We are all going to sit together and discuss the way forward."

"It is a pity it hasn't happened before now, but at least it means that we will be sitting round a table talking about reaching agreement. That is certainly a major step forward."

Although McKeag found satisfaction in that decision, he now appears resigned to

the inevitability of the Premier League. "It is still on course," he agreed. "I never really expected it to be any different."

Yet the first division clubs refused to confirm Parry's position. Although he has been acting on their behalf for three months, they insisted that his role should remain temporary until the end of May. Today, he is to discuss the implications with Sir John Quinton, the non-executive chairman of the Premier League. After attending as his representative at Lancaster Gate, Parry said: "From a personal point of view, it has been a gruelling year and there is a lot more to come."

No agreement has yet been reached, for instance, even on the size of the Premier League. The League demands that three clubs should be promoted and relegated. The FA is equally adamant that two should come up and three go down, thereby gradually reducing the number of contestants. Nor have criteria such as crowd capacity and facilities been decided.

But Kelly believes that "we can assume that we are moving roughly along the right lines and as fast as we possibly can". Since some 115 people are involved in the whole process, a figure which excludes the remaining 72 League clubs, it should not be surprising that the wheels are turning so painfully slowly.

Decision sought on trust money

BY PETER BALL

GOVERNMENT funding for football ground improvements is fast becoming a fraught political issue. Yesterday Tom Pendry, MP, the chairman of the Commons all party football committee, wrote to the chancellor, Norman Lamont, demanding a statement on the government's intentions regarding Premier League access to the funds, based on the tax concessions made to football by John Major in the 1990 budget.

Last week the Football Trust, which administers the money — £20 million a year for five years — asked the minister for sport, Robert Atkins, to decide on whether

Premier League clubs were eligible for the grants, which are allocated under an agreement with the government and the Football and Scottish Leagues.

With the Premier League clubs about to leave the lower division clubs in the lurch in pursuit of FA gold, their right to the grants has been contested, with Football League officers accusing them of "trying to hijack the money". It has been thought that in election year, the government, which itself is divided on the issue, might be reluctant to be seen to be giving to the rich, particularly a group who are widely seen as purely selfish, and so far Atkins has not taken any decision.

The Football Trust has ap-

plications pending from most of the 22 first division clubs, and the Manchester City chairman, Peter Swales, one of the Premier League's leading protagonists, has threatened to abandon plans for Maine Road if the money was not forthcoming. Yesterday Pendry, who has also put down questions in the house on the subject for the treasury and the minister for sport, called on the government to take an early decision.

"This damaging will they, won't they attitude from the government could seriously undermine the game's efforts to plan the implementation of the Taylor Report," Pendry said. "Having set a strict timetable for conversion to all-seated accommodation,

the government is now causing confusion and turmoil by refusing to state its policy."

"The chancellor must give a definitive answer. What is his intention regarding the distribution of football pool betting money in the event of the Premier League being formed? It's a straight question — football deserves a straight answer."
Aldershot have appointed administrators. The Inland Revenue, which is owed £140,000 and has threatened to take out a winding-up order, must now wait for the administrators' report, while yesterday's decision allows the Crystal Palace director, Simon Hulme-Kendall, more time to put together a rescue package.

Supporters offer FA Cup contrast

TED Pearce, the manager of non-League Farnborough Town, expects 30 coachloads of supporters to travel to Upton Park for his side's FA Cup third-round replay with West Ham United tonight (Louise Taylor writes).

"If the door was left open for us after that game, it must be a little wider now," Pearce, whose team drew 1-1 at the first division club's ground ten days ago, said. "My players will approach this in a more relaxed fashion, knowing that we have to put them under a bit more pressure in their box if we can."

Lodged in the first division relegation zone and facing protests from supporters against their now notorious

bond scheme, West Ham could do with keeping Farnborough out of their penalty area tonight.

More than 4,000 West Ham supporters invaded the Upton Park pitch after Saturday's 1-1 draw with Wimbledon, but Steve Rapoport, one of the organisers of that protest, said yesterday he hoped there would be no repeat.

"I think we have defeated the bond scheme," he said. "I do not think there is any need for another demonstration." Working reached the fourth round last season, and they aim to return there by eliminating League opposition away at Hereford United.

Lineker returns, page 35



Retiring attitude: Whitbread announces the end of her career, after a long struggle against injury, in London yesterday. Photograph: Hugh Routledge

Whitbread forced to retire by chronic shoulder injury

BY LOUISE TAYLOR

FATIMA Whitbread has thrown her last javelin. She conceded defeat to a long-standing shoulder injury, saying: "I want to live the rest of my life with the use of both arms. I don't want to be a cripple."

In the hope of competing in the Olympics in Barcelona this year, the former world record-holder had planned to visit a specialist in Finland at Christmas. Before departing, she visited her local track at Thurrock, Essex.

"I only tried a gentle practice throw," she said. "But my shoulder just dislocated. That was when, deep in my heart, I knew that it was all over. It was something that took a long time to swallow. One day I was at the top of the tree, competing with the best, and then I was feeling redundant the next. I could not continue to take so much pain and agony."

She traced the root of the problem to her world record throw in Stuttgart. "Since

then I've done a lot of crying, and the last three vital years have been all about frustration. But my surgeon warned me I was only one throw away from becoming a cripple. I wondered, why me?"

"Eventually, I would like to settle down and have a family of my own," she added. "Who knows, perhaps I will produce

a champion javelin thrower of the future?"

Whitbread, born 30 years ago in London, has not been able to compete since she injured her shoulder in the United Kingdom championships at Cardiff in 1990.

Her retirement marks the end of a time when British women's javelin-throwing, through Whitbread and Tessa Sanderson, was as good as any country in the world.

Whitbread won the world championship gold medal in Rome in 1987 to add to her gold in the 1986 European championships and silvers in the 1986 Commonwealth Games and 1988 Olympics.

She will maintain her involvement in athletics by continuing to run Chafford Hundred Athletic Club at Thurrock, which she helped establish to look after the commercial interests of Britain's leading athletes and by doing some "grassroots coaching".

BBC is raising budget to £55m

BY KEN LAWRENCE

THE impact of increased competition from ITV and BSkyB for big events is reflected in the 1992 BBC sports budget of £55 million — about £11 million up on last year. For their money, however, the BBC has what its head of sport, Jonathan Martin, yesterday described as "a blue-chip portfolio".

Such is the quality of the 1,600 hours scheduled that the European Cup final scheduled to be played at Wembley does not make the list of the top 20 events to be screened this year.

"It is a daunting year, the biggest we have ever faced," Martin said. "However, it maintains the BBC's pre-eminent position and our sports output is today as strong as at any time in history. We cannot help but smile and feel optimistic when we look at our list. We remain British sport's biggest sponsor."

The centrepiece of the 1992 programme is the Olympic Games at Barcelona, which will be seen exclusively live. There will also be 90 hours from the Albertville Winter Olympics next month. The BBC will have all 16 Formula One grands prix, all four major golf tournaments, the Cornhill Test match series, the Texaco one-day international and the NatWest and Benson and Hedges one-day cricket competitions. There will be 85 days of horse racing, including the Cheltenham festival and the Grand National.

"We will have 80-90 per cent of the sport that matters in 1992 for BBC viewers," Martin said. And there will not be a single commercial break. In America, Australia, indeed everywhere, commercial breaks are disruptive. It is a vital factor. Viewers are missing something or think that they are missing something. Sport is a continuous drama and the BBC is giving a continuous drama."

Rise in rugby viewers

BBC Television's *Rugby Special* programme has increased its weekly viewing total by almost half a million since the Rugby World Cup, according to figures issued last night (Peter Bills writes).

The programme's average weekly viewing figure increased from just under 1.2 million to over 1.6 million in the period immediately after the World Cup. It will be received with relief by BBC officials aware of the impressive ratings achieved by ITV during the tournament.

BBC officials think that a target figure of seven million is within reach for live coverage of Saturday's match between Scotland and England.

Pean promoted

Table tennis: Carl Pean, the English No. 1, has moved up one place to No. 11 in the European men's rankings.

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Morale restored by a powerful performance

Lee Chapman continues

with his inside view

of life at Leeds United



IF EVER a morale-boosting performance was demanded by a team, it was needed by Leeds United against Sheffield Wednesday on Sunday. To deliver the kind of performance we did, a 6-1 win in front of the watching millions on television, exceeded even our own ambitions. We can now look forward to our final confrontation against Manchester United, in the delayed FA Cup third-round tie tomorrow night, with much-needed confidence.

Confidence, so vital at any time, can so easily be lost on the back of a poor result. Once lost, it becomes increasingly difficult to regain. Any team, no matter how successful, is going to suffer setbacks. The measure of the team is how it overcomes those setbacks.

On Sunday, we demonstrated we have the resilience

and character to bounce straight back to our best. We must show these same qualities tomorrow night in our attempt to square the series of confrontations.

Our team selection on Sunday was governed by the injury to Gordon Strachan and the suspension of David Batty. Much had been made of our apparent weakness in terms of squad strength and how we would not be able to perform without such key members of the team.

But even without them, the psychological necessity for victory at Hillsborough led Howard Wilkinson, our manager, to select a very attacking formation. Steve Hodge came into a three-man midfield and Carl Shutt was selected on the right flank, opposite Rod Wallace, with myself in the middle. This was a formation rela-

tively unfamiliar to us all but I don't think you would have known it from the way we played. Fluid passing movements were soon in evidence as both full backs and wide players started to tear the Wednesday defence to ribbons.

This penetration down Wednesday's flanks resulted in the best service I have received during my time at Leeds. Not only were there plenty of crosses delivered into the opposition penalty area but most of them came from behind the opposition's

defence — far more penetrating than those delivered from in front.

My three goals and the overall team display gave me an immense amount of satisfaction. It was all the greater for having been achieved on my old stamping ground.

In four years there, I never managed to score three times in a game. It also gave equal pleasure to Howard Wilkinson, Mel Sterland and Carl Shutt, who all enjoyed lengthy spells at Hillsborough.

One contentious point

arising from the match was that of the penalty awarded to Wednesday. Most seasoned professionals will, if tripped or pushed, offer little resistance to their inevitable fall to the ground. This is acceptable.

What is unacceptable is when a professional seeks to gain a penalty by deliberately diving when no such contact occurs. This was seen to happen on Sunday, when Gordon Watson was adjudged to have been fouled by Chris Whyte. This sort of thing must be stopped for the good of the game.

On a lighter note, that endangered species, the streaker, made an appearance during the match, albeit partly clad. It appears the lady in question was the owner of a massage parlour protesting at a decision to tax her earnings. No one, it

seems, can escape the clutches of the Inland Revenue. After prolonged inaction by everyone at the ground, it fell to me to ask her to leave the field. What did I say? Well, contrary to some of the suggestions I have since received, I did not ask for her telephone number. I just advised her to contact her local MP and she seemed happy with that and left without further ado.

So we report for training today after a well-deserved day off. We have little time to prepare for our final match with United.

Our best preparation was, perhaps, our display against Wednesday. United have knocked us out of one competition already; we must not let them do it again.
